

Planning and Development Control Committee

Agenda

Tuesday 11 February 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 6th February 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

11 February 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 14 January 2025.</p> | |
| 4. OLYMPIA WAY, HAMMERSMITH ROAD, LONDON, W14 8UX, BROOK GREEN, 2024/01937/FUL | 10 - 97 |
| 5. THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD, LONDON SW6 3BU, PARSONS GREEN AND SANDFORD, 2024/02343/VAR | 98 - 123 |

6. **THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD,
LONDON SW6 3BU, PARSONS GREEN AND SANDFORD,
2024/02395/FUL** 124 - 170
7. **FLAT 1, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ,
AVONMORE, 2024/01917/FUL** 171 - 193
8. **FLAT 2, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ,
AVONMORE, 2024/01918/FUL** 194 - 216
9. **FLAT 4, 29 - 47 FITZ-GEORGE AVENUE, LONDON W14 0SZ,
AVONMORE, 2024/01919/FUL** 217 - 239
10. **FLAT 5, 9 - 27 FITZ-GEORGE AVENUE, LONDON W14 0SY,
AVONMORE, 2024/01923/FUL** 240 - 262
11. **CONFIRMATION OF TREE PRESERVATION ORDER T448/10/24,
LAND AT MILLER'S COURT, CHISWICK MALL, W4,
RAVENS COURT** 263 - 270

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Tuesday 14 January 2025

PRESENT

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

Other Councillors:
Councillor Stala Antoniadis

Officers:
Matt Butler (Assistant Director of Development Management)
Neil Egerton (Team Leader)
Tom Scriven (Deputy Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
Mrinalini Rajaratnam (Chief Solicitor Planning and Property)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ross Melton, Nikos Souslous and Alex Karmel

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 3 December 2024 were agreed as an accurate record.

4. **GARDEN STUDIOS, 14B BROOK GREEN, LONDON W6 7AB, HAMMERSMITH BROADWAY, 2022/00362/FUL**

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

Neil Egerton provided a presentation on the application. A resident spoke in objection. The Applicant spoke in support and Councillor Stala Antoniadis spoke in objection to 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 and subject to the conditions listed in the report as amended in 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.

5. **FIRST FLOOR FLAT, 39 BYAM STREET, LONDON SW6 2RB, SANDS END, 2024/02655/FUL**

Tom Scriven provided a presentation on the application. There were no registered speakers.

The Committee voted on the officer recommendation for refusal as follows:

Recommendation 1:

| | |
|-------------|----------|
| FOR | 0 |
| AGAINST: | 4 |
| NOT VOTING: | 1 |

The officer recommendation of refusal was lost and overturned.

The Committee then discussed reasons to approve the application, noting that no objections to the scheme had been received by the Council. The Chair of the Development Control Committee proposed, and the Vice-Chair seconded, the following reasons overturning the reasons for refusal in the report which were then voted on by the Committee as follows:

Reason 1

That the need for family homes outweighed the potential design impact (of the proposed development).

| | |
|-------------|------------------|
| FOR | Unanimous |
| AGAINST: | 0 |
| NOT VOTING: | 0 |

Reason 2

That the need for larger family homes outweighed the potential impact to No.152 Townmead Road, the neighbouring property.

| | |
|-------------|------------------|
| FOR | Unanimous |
| AGAINST: | 0 |
| NOT VOTING: | 0 |

The Chair proposed and the vice chair seconded a motion to authorise the Director of Planning and Property to add such conditions as were considered appropriate and secure such legal agreement as considered necessary after consultation with the Chair of the Planning and Development Control Committee and Assistant Director of Legal Services and to grant planning permission subject to such conditions and legal agreement (based on the two reasons voted on by the Committee).

The Committee then voted on the proposal to grant planning permission subject to such conditions and legal agreement for the two reasons mentioned.

| | |
|-------------|------------------|
| FOR | Unanimous |
| AGAINST: | 0 |
| NOT VOTING: | 0 |

6. HIGHWAY OUTSIDE SHEPHERD'S BUSH STATION, PLIMLEY PLACE, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2023/00006/FR3

Neil Egerton 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 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. CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24, LAND AT 46 CLANCARTY ROAD, SW6, PARSONS GREEN & SANDFORD

Allan Jones provided a presentation on the application. There were no registered speakers.

The Committee voted on the officer recommendation to confirm the TPO as follows:

Recommendation 1:

| | |
|-------------|------------------|
| FOR | Unanimous |
| AGAINST: | 0 |
| NOT VOTING: | 0 |

RESOLVED

1. That the Tree Preservation Order T447/10/24 be confirmed without modification.

Addendum

Meeting started: 7:00 PM
Meeting ended: 8:55 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:

Brook Green

Site Address:

Olympia Way, Hammersmith Road, London, W14 8UX



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FOR IDENTIFICATION PURPOSES ONLY - DO NOT SCALE.

Reg. No:

2024/01937/FUL

Case Officer:

Sinead Winship-David

Date Valid:

16.09.2024

Conservation Area:

Olympia and Avonmore
Conservation Area – No. 23

RECOMMENDATION DATE:

03.02.2025

COMMITTEE DATE:

11.02.2025

APPLICANT:

Olympus Property Holding Limited
C/o Agent

DESCRIPTION:

Demolition of the existing building adjacent to the station entrance and erection of a 4-storey replacement building providing flexible commercial uses (Class E), together with the provision of public toilets, station facilities, cycle parking, and the installation of a green roof and PV panels at roof level; installation of 12 retail pavilions along Olympia Way for flexible commercial use (Class E); landscaping and public realm improvements; replacement of fencing close to the boundary with the rail line; installation of a digital screen (facing Olympia); and installation of a plinth for the purposes of the display of public art, along with other associated works.

Drg. Nos: See Condition 2

APPLICATION TYPE:

Full Planning Permission

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

DEFINITIONS

“Phase 1” means the works including:

Installation 12 single storey pavilions along Olympia Way; landscaping and public realm improvements; installation of fencing along the boundary with the railway line; the installation of a screen on Olympia Way; and the installation of a plinth for the

display of public art.

“Phase 2” means the works including:

The demolition of the existing station building and construction of the new station building.

CONDITIONS

1. Time Limit

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

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

2. Approved Drawings

The development 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:

2110-SPP-OWS-ZZ-DR-A-02-0001-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-02-1001-PL S4-P02
2110-SPP-OWS-0R-DR-A-95-1001-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-00-0001-PL S4-P02
2110-SPP-OWS-0G-DR-A-20-1000-PL S4-P02
2110-SPP-OWS-01-DR-A-20-1001-PL S4-P02
2110-SPP-OWS-02-DR-A-20-1002-PL S4-P02
2110-SPP-OWS-03-DR-A-20-1003-PL S4-P02
2110-SPP-OWS-0R-DR-A-20-1004-PL S4-P03
2110-SPP-OWS-0G-DR-A-20-1010-PL S4-P02
2110-SPP-OWS-0R-DR-A-20-1011-PL S4-P02
2110-SPP-OWS-0G-DR-A-20-1020-PL S4-P02
2110-SPP-OWS-01-DR-A-20-1021-PL S4-P02
2110-SPP-OWS-02-DR-A-20-1022-PL S4-P02
2110-SPP-OWS-03-DR-A-20-1023-PL S4-P02
2110-SPP-OWS-0R-DR-A-20-1024-PL S4-P03
2110-SPP-OWS-ZZ-DR-A-20-1100-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-25-3001-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-26-2001-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-70-4001-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-70-4002-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-70-4003-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-70-4004-PL S4-P02
2110-SPP-OWS-ZZ-DR-A-70-4010-PL S4-P02
2110-SPP-OWS-ZZ-SH-A-XX-6001 S4-P03

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

3. Business and Community Liaison Groups

For the duration of each Phase of works hereby approved and up to two years after occupation of the final Phase of development, the applicant will establish and maintain Business and Community Liaison Groups having the purpose of:

- i. informing nearby residents and businesses of the programme of works for the Development;
- ii. informing nearby residents and businesses of progress of each Phase;
- iii. informing nearby residents and businesses of appropriate mitigation measures being undertaken as part of the Development;
- iv. informing nearby residents and businesses of considerate methods of working such as working hours and site traffic;
- v. providing advanced notice of exceptional hours of work, when appropriate;
- vi. providing nearby residents and businesses with an initial contact for information relating to each Phase of works for the Development and procedures for receiving/responding to comments or complaints regarding the Development with the view of resolving any concerns that might arise;
- vii. providing telephone contacts for nearby residents and businesses 24-hours daily throughout each Phase of works for the Development; and
- viii. producing a leaflet prior to each Phase of the Development for distribution to nearby residents and businesses, identifying progress of the Development and which shall include an invitation to register an interest in the Liaison Groups.

The terms of reference for the Business and Community Liaison Groups shall be submitted to the Council for approval prior to Commencement of any works on site. The Business and Community Liaison Groups shall meet at least once every quarter for the first year, and at least twice a year until completion.

Reason: To ensure satisfactory communication with residents, businesses, and local stakeholders throughout the construction of the development, in accordance with the Policies CC11, CC12, CC13, DC2, T7 and CF3 of the Local Plan 2018.

Construction

4. London Underground Infrastructure Protection

Prior to the commencement of each phase of the development hereby permitted, the below listed documents, insofar as they relate to the relevant phase, shall be submitted to and approved in writing by the local planning authority in consultation with London Underground:

- a) Demolition details for each stage of the development;
- b) Details on all structures for each stage of the development;

- c) Details on all foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development;
- d) Details on the use of tall plant/scaffolding;
- e) Identify and accommodate the location of the existing London Underground (LU) assets including its foundations;
- f) Confirmation that there will be no opening windows or balconies facing the LU operational railway elevation;
- g) Demonstrate that there will at no time be any potential security risk to our railway, property or structures;
- h) Accommodate ground movement arising from the construction thereof;
- i) How the effects of noise and vibration arising from the adjoining railway operations within the structures will be mitigated where necessary;
- j) Demonstrate that the train driver vision will not be disturbed because of the proposed lighting or from the reflective glare.

Each phase of 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 the first occupation of any part of the relevant phase.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan 2021.

5. Demolition Method Statement

Prior to the commencement of Phase 2 of the development hereby approved, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays with no works permitted on Sundays and Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the demolition period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11, CC12 and CC13 of Local Plan 2018.

6. Demolition Logistics Plan

Prior to the commencement of the demolition pursuant to Phase 2 of the development, a Demolition Logistics Plan (DLP) prepared in accordance with TfL

CLP Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The DLP shall cover the following minimum requirements:

- a) Community engagement and liaison to be carried prior to submission of DLP to inform development of the DLP approach. Details of engagement to be submitted as an appendix to the DLP to identify concerns raised by residents and how these are addressed.
- b) Site logistics and operations.
- c) Demolition vehicle routing.
- d) Details of the estimated number, size and routes of demolition vehicles per day/week.
- e) Details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI, including vehicles compliant with Direct Vision Standard star rating 3
- f) Details of the access arrangements and delivery locations on the site.
- g) Details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required.
- h) Efficiency and sustainability measures to be undertaken for the works; and details on CLOCS compliant site operations.

The Phase 2 demolition works shall be carried out in accordance with the approved DLP.

Reason: To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy T7 of the London Plan 2021 and T1, T6 and T7 of the Local Plan 2018.

7. Construction Management Plan

Prior to the commencement of each phase of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays with no works permitted on Sundays and Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period of each phase of the development.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11, CC12 and CC13 of Local Plan 2018.

8. Construction Logistics Plan

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

- a) Community engagement and liaison to be carried prior to submission of the CLP to inform development of the CLP approach. Details of engagement to be submitted as appendix to the CLP to identify concerns raised by residents and how these are addressed
- b) Site logistics and operations
- c) Construction vehicle routing
- d) Details of the estimated number, size and routes of construction vehicles per day/week details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI, including vehicles compliant with Direct Vision Standard star rating 3
- e) Details of the access and egress arrangements
- f) Delivery locations on the site
- g) Details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- h) Efficiency and sustainability measures to be undertaken for the works
- i) Membership of the and details on CLOCS compliant site operations
- j) Details of any vehicle holding areas, and restriction of vehicle numbers to no more than 4 vehicles maximum in any one hour; and other matters relating to traffic management to be agreed as required.

Approved details for each phase shall be fully implemented and retained and maintained throughout the construction phase of the development.

Reason: To minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with Policy T7 of the London Plan 2021 and Policies T1 and T6 of the Local Plan 2018.

9. Air Quality Dust Management Plan (Demolition)

Prior to the commencement of the demolition phase (excluding installation of solid hoarding (minimum height 2.5m) and Dust Deposition monitors around the perimeter of the site) of Phase 2 of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution shall be submitted to and approved in writing by the Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'B' and shall include the following details:

- a) Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b) Demolition Site and Equipment Layout Plan
- c) Inventory and Timetable of dust generating activities during Demolition site activities.
- d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors on-site

and off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.

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

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

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

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

10. Air Quality Dust Management Plan (Construction)

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

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

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

11. Temporary Hoardings

Prior to commencement of any demolition works pursuant to Phase 2 of the development hereby approved, a scheme for temporary solid hoarding fencing

(minimum height 2.5 m) and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority.

The temporary fencing and/or enclosure 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.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to ensure the development's air pollution impacts are mitigated in accordance with the requirements of Policies SI 1, D1 and D8 of the London Plan 2021, Policies DC1, DC2, DC8, CC10 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Land Contamination

12. Preliminary Risk Assessment

No development pursuant to Phase 2 of the development hereby approved shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

13. Site Investigation Scheme

No development pursuant to Phase 2 of the development hereby approved shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas,

surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

14. Quantitative Risk Assessment

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development pursuant to Phase 2 of the development hereby approved shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

15. Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development pursuant to Phase 2 of the development hereby approved shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

16. Verification Report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development pursuant to Phase 2 of the development hereby approved shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

17. Onward Long-Term Monitoring Methodology

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development pursuant to Phase 2 of the development hereby approved shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: 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 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

Public Health

18. Noise from Uses and Activities

Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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

19. Plant, Machinery and Equipment Noise

The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the limits set out in Table E23114 /T6 of the Noise and Vibration Impact Assessment (ref: E23114 240709 NIA R1-01) prepared by Adnitt Acoustics 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.

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

20. Illumination of Signage

The illumination of the signage and screens hereby approved shall comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. and the 'Professional Lighting Guide No 5, 2023 - Brightness of Illuminated Advertisements'.

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

21. Digital Screen - Noise

There shall be no amplified noise associated with the external digital screen hereby approved other than between the hours of 0800 – 2000 daily. No amplified noise association with the external digital screen shall be audible at any residential or noise sensitive premises at any time.

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

22. Odour Extract

Prior to the installation of any extract and odour systems any commercial unit within the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system with ePM2.5 (F7) particulate filtration, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. Approved details shall be implemented prior to the commencement of the relevant use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by cooking odour, in accordance with Policy CC13 of the Local Plan (2018)

23. Obscure Glazing – Overlooking

Prior to the first occupation of the Phase 2 office floor space hereby approved, a scheme of obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of obscure glazing to be provided partially to the first, second and third floors of the west elevation of the Station Building to obscure views towards the rear habitable windows servicing residential units on Sinclair Road.

The approved scheme of obscure glazing shall be implemented in full prior to the first occupation of the Phase 2 office floor space and shall be retained thereafter.

Reason: To ensure that the amenity of residential occupiers is not adversely affected in accordance with Policy D3 of the London Plan 2021 and Policies HO11 and DC2 of the Local Plan 2018.

Air Quality

24. Ventilation Strategy

Prior to commencement of above ground works for Phase 2 of 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 floors where Hammersmith & Fulham Councils 2030 Annual Mean WHO aligned Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m⁻³, Particulate (PM₁₀) -15ug/m⁻³ and Particulate (PM_{2.5}) - 5 ug/m⁻³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations
- b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on the rear elevations, to minimise the potential for the recirculation of extract air

through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017

- c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
- d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only)

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 first occupation of Phase 2 of the development and thereafter permanently retained and maintained.

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

25. Ventilation Strategy – Post Installation

Prior to occupation of Phase 2 of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 23 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the first occupation of Phase 2 of the development and thereafter permanently retained and maintained.

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

26. Landscaping – Air Quality

Prior to the occupation of Phase 1 of development hereby permitted, details of the proposed hard and soft landscape scheme in full accordance with the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance to mitigate existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The details shall include

- a) planting schedules, details of the species, height and maturity of replacement trees and shrubs including sections through the planting areas, depths of tree pits, containers, and shrub beds; hard surfacing materials and an implementation programme.
- b) photographic confirmation of installed green vegetation barriers (minimum height of 1.5 metres) on the garden area site boundaries with Hammersmith Road (A315).

Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

27. ASHP/Electric Boilers

Prior to occupation of each phase of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Zero Emission Air Source Heat Pumps and/or electric boilers to be provided for space heating and hot water for each approved use shall be submitted to and approved in writing by the Local Planning Authority.

Approved details shall be fully implemented prior to the first occupation of each Phase of the development and thereafter permanently retained and maintained.

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

28. Ultra Low Emission Strategy

Prior to occupation of each phase of 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) Model procurement policy and processes, to be shared with future tenants as best practice, 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) Encouraging the use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle; and
- c) Reduction and consolidation of deliveries and collections e.g., General Waste, Food Waste

The ULES shall be monitored and reviewed on an annual basis by the developer 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.

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

29. Servicing Hours

At any part of the completed development hereby permitted, no deliveries nor collections/ loading nor unloading by motor vehicle shall occur other than

between the hours of 20:00-08:00 daily.

Reason: In the interests of pedestrian safety and the safe operation of the wider highway network in accordance with Policies T1 and T3 of the Local Plan 2018.

Permitted Uses

30. Use Restriction – Station Building Office

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the office floorspace shown on the approved plans within Phase 2 shall be used for Office purposes that fall within Use Class E (g) (i) of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose. The office floorspace within Class E(g)(i) shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those orders with or without modification).

Reason: In granting this permission, the Local Planning Authority 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 E2 and CC11 of the Local Plan (2018).

31. Use Restrictions - Pavilions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the pavilions (Phase 1) hereby approved shall be used only for uses falling within Class E (Commercial, Business and Service) of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose. The pavilions shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those orders with or without modification).

Reason: To ensure that the pavilions provide uses that are appropriate to the nature of the site and to ensure that other uses are not introduced without further assessment in accordance with policies E2 and CC11 of the Local Plan (2018).

32. Use Restrictions – Station Building Retail/Commercial Unit

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the retail/commercial unit identified on the approved drawings within Phase 2 of the development hereby approved, shall be used only for uses falling within Class E (Commercial, Business and Service) of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking

and re-enacting that Order with or without modification) and shall not be used for any other purpose. The Phase 2 retail unit shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those orders with or without modification).

Reason: To ensure that the Phase 2 retail/commercial unit provides a use that is appropriate to the nature of the site and to ensure that other uses are not introduced without further assessment in accordance with policies E2 and CC11 of the Local Plan (2018).

33. Operational Management Plan

Prior to first occupation of each phase of the development hereby permitted, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include details of hours of operation for the different permitted uses. The development shall be implemented in accordance with the approved details prior to occupation of each phase and shall thereafter be permanently retained in this form.

Reason: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbances, in accordance with Policies T1, CC11, CC12, and CC13 of the Local Plan 2018.

Energy and Sustainability

34. Energy Strategy

The development hereby permitted shall be carried out in accordance with the approved Energy Strategy (Rev. P03, dated 16 December 2024), prepared by Desco.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

35. Sustainability Statement

The development hereby permitted shall be carried out in accordance with the approved Sustainability Statement (dated July 2024), prepared by Sol Environmental.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

36. BREEAM – Station Building Office (Design Stage)

Prior to commencement of Phase 2 of the development hereby permitted (excluding demolition works), a report detailing how the Phase 2 Office floor space shall achieve a BREEAM New Construction V6, Office, Shell and Core rating of 'Very Good' shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

37. BREEAM – Station Building Office (Final)

Prior to occupation of the Office floorspace within Phase 2 of the development hereby permitted, a BREEAM New Construction V6, Office, Shell and Core, Post Construction Review (Final), certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that a very good has been achieved the Phase 2 Office floorspace.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

38. Office Lighting

Prior to first occupation of the Phase 2 office use hereby approved, a scheme for the control and operation of the proposed lighting within the office buildings, during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant Phase and operated only in accordance with the approved details.

Reason: 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.

Security

39. Station Building – Security System

Prior to first use of any operational railway floor space within Phase 2 of the development hereby permitted details of security lockdown capability for that use, using automated processes where possible, to ensure the safety of those within from an external threat shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police and the British Transport Police.

The security system must be effectively integrated to allow quick time identification/verification of threat, communication and initiation of lockdown. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the operational railway floor space within Phase 2 of the development thereafter.

Reason: In the interest of counter terrorism and community safety in accordance with Policy D11 of the London Plan (2021).

40. Secured by Design

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by

Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of each phase of the development hereby permitted (excluding demolition) and shall be implemented in accordance with the approved details prior to occupation of each phase.

Reason: To ensure that the development maintains and enhances community safety in accordance with Policy D11 of the London Plan (2021).

Design

41. Occupier Signage Strategy

Prior to occupation of each phase of the development hereby approved, an Occupier Signage Strategy for all uses within the buildings, including pavilions where relevant, of the development shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this condition shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1, DC8 and DC9 of the Local Plan 2018.

42. Detailed Drawings (signage)

Prior to the commencement of the relevant part of the development hereby approved, detailed drawings at a scale of not less than 1:20 and details shall be submitted to, and approved in writing by the Local Planning Authority of external materials and method of illumination in relation to:

- a) the TfL roundel on the proposed four storey building north of Kensington Olympia station entrance;
- b) ii) external signage to Kensington Olympia station entrance, and;
- c) iii) directional signage on Olympia Way to Kensington Olympia station entrance shall be submitted to and approved in writing by the Council.

The development shall be implemented in full accordance with such details as have been approved prior to the occupation of the relevant part of the development and the approved details shall be permanently retained thereafter.

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

43. External Materials

Prior to the commencement of Phase 1 of the development hereby approved, details of external materials for the pavilions buildings and boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall additionally include the erection of a sample panel to be inspected on site by the Local Planning Authority's Conservation Officer where requested.

Prior to the commencement of Phase 2 of the development hereby approved, details of external materials to the station building shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall additionally include the erection of a sample panel to be inspected on site by the Local Planning Authority's Conservation Officer where requested.

The development shall be completed in full accordance with the approved details and shall thereafter be retained permanently in that form.

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

44. Wayfinding

Prior to practical completion of Phase 1 of the development hereby approved, details of wayfinding signage proposed on and around the site shall be submitted to and approved in writing by the Local Planning Authority. The approved wayfinding signage shall be provided prior to the first occupation of any use within Phase 1 and be permanently retained thereafter.

Reason: To ensure that the Council may be satisfied with the detail of the proposed wayfinding to ensure a satisfactory appearance and ensure access for all in accordance with Policies DC1 and DC8 of the Local Plan 2018.

45. Obscure Glazing

The window glazing to the ground floor of any part of the development hereby approved shall not be mirrored, painted or otherwise obscured unless otherwise indicated on the approved drawings.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy D8 of the London Plan 2021, and Policies DC1 and DC8 of the Local Plan 2018.

46. Soft and Hard Landscaping Details (Design)

Prior to commencement of Phase 1 of the development hereby approved, details of the proposed soft and hard landscaping of all external areas shall be submitted to and approved in writing by the Local Planning Authority. These details will include all public realm provided along Olympia Way. The details shall include, where relevant: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each commercial unit, pedestrian surfaces, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people.

The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure that the development provides an attractive natural and visual environment in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

47. Hard Landscaping - Materials

Prior to the commencement of Phase 1 of the development hereby approved, details and samples of all materials to be used for any hard landscaping and street furniture shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure that the development provides an attractive visual environment in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

48. No PD - Telecoms

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

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

49. No PD – External Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no alterations shall be carried out to the external appearance of any building or structure within any phase of the development hereby approved, including the installation of air-conditioning units, ventilation fans, extraction equipment, balustrades, fencing, canopies or roof structures not shown on the approved drawings. No plumbing, extract flues or pipes, plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans, shall be erected upon the roofs of the buildings hereby permitted.

Reason: To ensure that the visual impact of any alteration upon the surrounding area can be considered, in accordance with Policies DC1 and DC8 of the Local Plan 2018.

50. No Advertisements

No advertisements shall be displayed on or within any elevation of the development hereby approved or within the public realm within the application site unless otherwise approved by way of a separate advertisement consent.

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

51. No Roller Shutters

No roller shutters shall be installed to the façade of any structure within the development hereby permitted.

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

52. Detailed Drawings

Prior to the commencement of each phase of the development hereby approved, detailed drawings at a scale of 1:20 shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall comprise detailed drawings in plan, section and elevation of typical bays of the replacement station building (Phase 2), pavilion buildings and boundary treatments (Phase 1).

The development shall be completed in full accordance with the approved details and shall thereafter be retained permanently in that form.

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

53. External Lighting

Prior to first occupation of each phase of the development hereby permitted, details of any proposed external artificial lighting, including security lights of the relevant Building, Structure or landscaped area, shall be submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design, and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21: Guidance Notes for the Reduction of Obtrusive Light'. to ensure that any lighting proposed does not harm the existing amenities of the occupiers of nearby residential properties. The relevant Building or Structure shall not be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure that the amenity of occupiers of nearby residential properties and natural habitat is not adversely affected by lighting and to ensure a satisfactory external appearance, and to prevent harm to the street scene and public realm in accordance with Policies GG1, D3 and D11 of the London Plan

2021, Policies CC12, CC13, DC1, DC2 and DC8 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

54. Window Cleaning Equipment

Prior to first occupation of the Phase 2 development station building hereby permitted, details of the proposed window cleaning equipment for the Station Building shall be submitted and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. The station building shall not be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan 2021 and Policies DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Landscaping, Public Realm and Biodiversity

55. Landscape and Public Realm Management Plan

Prior to commencement of landscaping and public realm works, a Landscape and Public Realm Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all the landscaped areas. This shall include details of management responsibilities and maintenance schedules for all landscape areas. The landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure that the development provides an attractive natural and visual environment in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

56. Planting – Replacement

Any trees, shrubs or planting including works associated with green roofs or wall boundary planting pursuant to the soft landscape details that is removed, or seriously damaged, dying or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

Reason: To ensure that the development provides an attractive natural and visual environment in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

57. Green Roofs

Prior to commencement of above ground works pursuant to Phase 2 of the development hereby permitted, details of all green roofs, including a planting maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. Phase 2 of the development shall not be occupied until the

scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure the provision of green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies G5, G6 and SI 13 of the London Plan 2021 and Policy OS5 and CC4 of the Local Plan 2018.

58. Biodiversity Gain Plan

Prior to the commencement of the development hereby approved, a biodiversity gain plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity gain plan shall be prepared in accordance with the Biodiversity Net Gain Appraisal dated July 2024 and prepared by Trium. The biodiversity gain plan shall include the following details:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development;
- f) a valid metric calculation attached in excel form, which demonstrates that the minimum 10% objective has been achieved; and
- g) any such other matters as the Secretary of State may by regulations specify.

The biodiversity gain plan shall further demonstrate that the habitat creation or enhancements to be delivered shall be maintained for a period of at least 30 years post completion of the development.

The development shall be completed in accordance with the approved details and shall be retained thereafter.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Policies G1 and G6 of the London Plan (2021), Policy OS5 of the Local Plan (2018) and Schedule 7A of the Town and Country Planning Act (1990) (as amended).

59. Habitat Management and Monitoring Plan

Prior to the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- a) non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) accompanying plans of the site boundary, baseline and proposed habitats;
- e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- f) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Prior to the first occupation of any use within the development hereby approved, the habitat creation and enhancement works set out in the approved HMMP shall be completed in full. A completion report shall then be submitted to and approved in writing by the Local Planning Authority, evidencing the completed habitat enhancements prior to first occupation of the development.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Policies G1 and G6 of the London Plan (2021), Policy OS5 of the Local Plan (2018) and Schedule 7A of the Town and Country Planning Act (1990) (as amended).

60. Flood Risk and Drainage

Each phase of the development hereby permitted shall be carried out in accordance with the measures contained within the approved Flood Risk Assessment and Drainage Strategy (Rev P04) prepared by Robert Bird Group and dated 18 July 2024.

No part of the development shall be used or occupied until all flood prevention and mitigation measures relevant to that phase have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

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

61. Outward Opening Doors

Except for doors serving the bin stores, escape stairs and substation, there shall be no outward opening doors. Prior to occupation of each phase of the development, details of any outward opening doors, including the associated use, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the accesses do not compromise the safety of pedestrians on the footway, in accordance with Policies T4 and T5 of the Local Plan 2018.

62. Public Toilets

Prior to occupation Phase 2 of the development hereby approved, public toilets shall be provided on the ground floor of that building in the location shown by the hatched area on plan 2110-SPP-OW-0G-DR-A-20-1032-PL Rev P02. The toilets shall be installed and shall thereafter be made permanently available as approved. The toilet provision shall be maintained for the use of rail passengers during station opening hours with direct access provided from the northbound platform in perpetuity through the external door as shown on plan 2110-SPP-OW-0G-DR-A-20-1032-PL Rev P02, which shall have a level threshold which shall be permanently retained.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy DC2 of the Local Plan 2018.

63. Fire Statement

The development shall be carried out and completed in accordance with the submitted Fire Statement prepared by OFR and dated 18 July 2024. Each phase of the development shall be implemented in accordance with these details prior to occupation of that phase and shall thereafter be permanently retained in this form.

Reason: To ensure full compliance with Policy D12 of the London Plan 2021.

Accessibility

64. Inclusive Access Management Plan

Prior to first occupation of each phase of the development hereby permitted, an Inclusive Access Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Each phase of the development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and shall thereafter be permanently retained in this form.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policies D5 and E10 of the London Plan 2021 and Policies DC1, DC2, DC8 of the Local Plan 2018.

65. Accessible Entrances

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

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policies D5 and E10 of the London Plan 2021 and Policies DC1, DC2, DC8 of the Local Plan 2018.

66. Fire Lifts

Prior to first occupation of the Phase 2, details of fire rated lifts in the station building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to ensure 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.

Reason: 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 and E10 of the London Plan 2021 and Policy DC1 and HO6 of the Local Plan 2018.

Highways

67. Olympia Way Access

Olympia Way will be pedestrian and cycle access only between the hours of 0800 - 2000, except where emergency vehicle access or access by Network Rail or their contractors is required. Vehicular access to Kensington Olympia Station for the unloading of railway passengers who require mobility assistance will be permitted during these hours via the northern access bollards only. Service vehicles may access Olympia Way between the hours of 8pm to 8am only.

Reason: To minimise conflicts between pedestrians, cyclist and vehicle traffic and in accordance with Policies T1, T2 and T4 of the Local Plan 2018.

68. Refuse Storage

Prior to first occupation of each phase of the development hereby approved, the refuse storage enclosures for the relevant phase, as indicated on the approved drawings (ref. 2110-SPP-OWS-0G-DR-A-20-1010-PL Rev P01; 2110-SPP-OWS-0G-DR-A-20-1020-PL Rev P01) and the Framework Delivery and Servicing Plan (prepared by Momentum and dated July 2024), shall be provided for the storage of refuse and recyclable materials.

All refuse/recycling facilities shall be retained thereafter in accordance with the approved details.

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

69. Waste Management

The development hereby permitted shall be undertaken in full accordance with the Refuse and Recycling Management Plan and Waste Management Strategy prepared by Momentum dated July 2024 and the site shall be operated thereafter in accordance with the approved details.

Reason: To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policy T7 of

the London Plan 2021 and Policies CC6 and CC7 of the Local Plan 2018 and SPD Key Principle WM1 2018.

70. Delivery and Servicing Management Plan

Prior to first occupation of the relevant part of each Phase, a Delivery and Servicing Management Plan (DSMP) for that Phase, including vehicle tracking where required, shall be submitted to and approved in writing by the Council. The DSMP for the relevant part of each Phase shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the relevant Phase.

The DSMP shall set out how nighttime delivery and servicing shall be managed to mitigate against potential noise and disturbance to nearby residential occupiers.

The approved measures for the relevant part of each Phase shall be implemented and thereafter retained for the lifetime of the commercial uses in the relevant part of the site.

Reason: To ensure that satisfactory provision is made for servicing and deliveries and to ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance Policies T2, CC11 and CC13 of the Local Plan 2018 and SPD Key Principle TR28 (2018).

71. Station Pick Up/Drop Off Strategy

Prior to the first occupation of Phase 2 of the development hereby permitted, a station pick-up and drop-off operational strategy plan shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how provision will be made for railway passengers with additional mobility requirements to allow for their drop off and pick up by motor vehicle at the Olympia Way entrance to Kensington Olympia Station. Details shall further be provided of means of control of vehicular bollards to the north of Olympia Way. The approved strategy shall be implemented prior to the first occupation of the Phase 2 Station Building and shall be thereafter retained for the lifetime of the development.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policies D5 and E10 of the London Plan 2021 and Policies DC1, DC2, DC8 of the Local Plan 2018.

72. Cycle Storage

Prior to first occupation of each phase of the development hereby permitted, details of secure, accessible, level and covered cycle storage, including 5% larger storage provision, for the relevant Phase, shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include type of cycle spaces (Sheffield or two-tier stands) provided and access/security arrangements to the cycle parking facilities. Provision shall

further be made for short-stay parking for cargo bikes. No unit within the relevant phase shall be occupied until the relevant approved facilities have been provided within the relevant part of development. The cycle parking facilities shall thereafter be retained for the development hereby permitted and not used for any other purpose.

Reason: To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with Policy T5 of The London Plan 2021 and Policy T3 of the Local Plan 2018.

RECOMMENDED REASONS FOR APPROVAL

- 1) Principle of development:** The principle of the redevelopment of Olympia Way has been established through an extant outline consent. The redevelopment would provide a variety of employment generating uses that would compliment those to be delivered across the wider Olympia estate. The proposal would further support the delivery of affordable workspace and employment, skills and training opportunities for residents. The proposal is therefore in accordance with Policies TLC1, TLC4, E1 and E4 of the Local Plan (2018).
- 2) Design and Heritage:** The development would create new high-quality spaces, including areas of public realm that would compliment the redevelopment of the area. The height, scale and massing of the station building is appropriate and provides a satisfactory design response to the site and surrounding townscape. The proposals would preserve the significance of the Conservation Area and its setting and preserve the settings of adjacent heritage assets in accordance with s.66 and s.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Local Plan Policies DC1, DC2, DC8 and OS5 and Planning Guidance SPD Key Principles CAG1, CAG2, CAG3 and CG6.
- 3) Inclusive access:** The development will provide a high-quality environment for all members of the community and is supported by commitments that are positive and deliverable by way of conditions. As such the proposal will comply with Local Plan Policies DC1 and DC2.
- 4) Transport and highways:** It is considered that the overall impact of the proposed development set out in the Transport Statement is acceptable. The development will be car free and will allow for enhanced cyclist and pedestrian facilities along Olympia Way. A series of conditions and planning obligations will secure sufficient mitigation to ensure that the development is accessible and can operate without undue impacts upon the local highway network. The proposal therefore accords with Policies T1, T2, T3, T4, T5 and T7 of the Local Plan (2018) and Policies T5 and T6 of the London Plan (2021).
- 5) Impact on neighbouring properties:** The proposed development is not considered to have an unacceptable impact upon the amenities and living conditions within surrounding properties in respect of daylight, sunlight, over-

shadowing, overlooking/privacy, noise, and vibration impacts. Although there are recorded incidences whereby the impacts exceed the BRE technical guide for daylight and sunlight, there are few overall and the extent of level changes are considered to be acceptable on balance. The impacts of the proposed development on residential amenity are consistent with those assessed within the extant outline proposals/consent. Planning conditions will secure mitigation in relation to overlooking, privacy, noise and vibration. The proposed development is therefore considered to be acceptable in accordance with Policy D3 of the London Plan (2021) and Policies CC10, CC11, CC12, CC13, HO11 and DC2 of the Local Plan (2018).

- 6) **Sustainability and Energy:** The application includes a sustainability statement, energy strategy and biodiversity net gain report. The development will implement a suite of mitigation to ensure that it can be delivered with a reduced impact upon the environment. Furthermore, a financial contribution towards achieving net zero has been secured alongside various conditions. The proposal is therefore in accordance with Policies SI 2, SI 3, SI 4 and G5 of the London Plan 2021; and Policies CC1 and CC2 of the Local Plan 2018.
- 7) **Land Contamination:** Conditions would ensure that the site would be remediated to an appropriate level for the sensitive uses. The proposed development therefore accords Policy CC9 of the Local Plan (2018) and Key principles LC1-6 of the Planning Guidance SPG (2018).
- 8) **Legal Agreement:** Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. The proposed development would therefore mitigate external impacts and would accord with Policy INFRA1 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 9 May 2024
Drawing Nos: see Condition 2

Policy Documents:

National Planning Policy Framework 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF - Planning Guidance Supplementary Planning Document 2018

CONSULTATION COMMENTS:

Comments from:

| | |
|---|----------|
| Transport For London | 10.10.24 |
| Historic England London Region | 07.10.24 |
| Environment Agency | 08.10.24 |
| Crime Prevention Design Advisor - Hammersmith | 11.10.24 |
| Thames Water - Development Control | 04.10.24 |
| Airport Safeguarding - Heathrow | 20.09.24 |
| Hammersmith And Fulham Historic Buildings Group | 17.01.25 |
| Royal Borough of Kensington and Chelsea | 03.12.24 |
| The Street Hub (residents association) | 08.01.25 |

NEIGHBOUR COMMENTS:

Letters from:

| | |
|---|----------|
| 19 Aynhoe Road, W14 | 26.09.24 |
| 22 Applegarth Road, W14 | 05.01.25 |
| 14 Springvale Terrasse, W14 | 15.01.25 |
| Flat 3, Ashmore House, 69 Russell Road, W14 | 03.10.24 |
| 47 Gratton Road, W14 | 16.01.25 |
| Flat 18, Ashmore House, 69 Russell Road, W14 | 06.10.24 |
| Basement & Ground Floor Maisonette, 96 Sinclair Road, W14 | 19.10.24 |
| Flat 2, 52 Sinclair Road, W14 | 17.01.25 |
| 22 Milson Road, W14 | 27.09.24 |
| Flat 5, 25 Sinclair Road, W14 | 27.09.24 |
| 8 Ashmore House, 69 Russell Road, W14 | 04.10.24 |
| 92 Masbro Road, W14 | 10.10.24 |
| 25 Porten Road, W14 | 15.01.25 |
| 59 Oxford Gardens, W10 | 14.01.25 |
| Ground Floor, 42 Grafton Road, W14 | 27.09.24 |
| 50 Milson Road, W14 | 01.10.24 |
| Flat 2, 62 Sinclair Road, W14 | 17.01.25 |
| Flat 2, 62 Sinclair Road, W14 | 17.01.25 |
| 33 Brook Green, W6 | 23.01.25 |
| 52 Sterndale Road, W14 | 10.01.25 |
| 19A Bolingbroke Road, W14 | 15.01.25 |
| First Floor Flat, 58 Sinclair Road, W14 | 16.01.25 |
| 16 Ceylon Road, W14 | 16.01.25 |
| 23C Edith Road, W14 | 17.01.25 |
| 52 Sinclair Road, W14 | 17.01.25 |
| 38 Brook Green, W6 | 22.01.25 |
| 24 Milson Road, W14 | 26.09.24 |
| 58 Masbro Road, W14 | 25.09.24 |
| 20 Applegarth Road, W14 | 05.01.25 |
| 4 Irving Road, W14 | 08.01.25 |
| 77 Bolingbroke Road, W14 | 16.01.25 |
| 38 Gratton Road, W14 | 16.01.25 |
| Flat 3, 198 Blythe Road, W14 | 19.01.25 |
| 97A Sinclair Road, W14 | 15.01.25 |
| 70 Sinclair Road, W14 | 17.01.25 |

| | |
|---|----------|
| Flat 5, 26 Sinclair Road, W14 | 27.09.24 |
| Welbeck Court, Addison Bridge Place, W14 | 29.09.24 |
| 70 Sinclair Road, W14 | 15.01.25 |
| 34 Milson Road, W14 | 26.09.24 |
| 92 Masbro Road, W14 | 08.10.24 |
| Basement Flat, 101d Sinclair Road, W14 | 16.01.25 |
| Basement Flat, 56A Sinclair Road, W14 | 16.01.25 |
| Flat 1, 1-3, Elgin Close, W12 | 20.01.25 |
| Flat 4, 39 Maclise Road, W14 | 03.10.24 |
| 82A Minford Gardens, W14 | 21.01.25 |
| 10 Rowan Road, W6 | 13.01.25 |
| 30D Sinclair Road, W14 | 15.01.25 |
| First Floor, 52 Sinclair Road, W14 | 17.01.25 |
| 56A Sinclair Road, W14 | 16.01.25 |
| Flat 1, 60 Sinclair Road, W14 | 16.01.25 |
| 34 Brook Green, W6 | 26.09.24 |
| 74 Masbro Road, W14 | 27.09.24 |
| 37 Sterndale Road, W14 | 11.01.25 |
| 70 Sterndale Road, W14 | 15.01.25 |
| 130, Sinclair Road, W14 | 15.01.25 |
| Flat 4, 66-68 Masbro Road, W14 | 16.01.25 |
| 27 Brook Green, W6 | 16.01.25 |
| Flat 6, 62 Sinclair Road, W14 | 17.01.25 |
| 38 Sterndale Road, W14 | 10.01.25 |
| 2 Sterndale Road, W14 | 10.01.25 |
| Ashmore House, Russell Road, W14 | 23.09.24 |
| Flats 1-10, 4 Sinclair Road, W14 | 18.10.24 |
| 26 Applegarth Road, W14 | 05.01.25 |
| 61 Bolingbroke Road, W14 | 15.01.25 |
| 100 Addison Gardens, W14 | 15.01.25 |
| 70 Sinclair Road, W14 | 16.01.25 |
| 17 Applegarth Road, W14 | 08.01.25 |
| Group objection – Flats 2, 3, 5, 7, 8, 9, 17, 18 and 19 | |
| Ashmore House, 69 Russell Road, W14 | 08.10.24 |

Officer Report

1. Background

- 1.1. This planning report relates to the submission of a full planning application, for the site known as Olympia Way.
- 1.2. An outline consent, ref. 2018/03102/OUT, was granted in September 2020 for the redevelopment of Olympia Way. The application granted consent for the demolition of the station building, and the erection of buildings up to four storeys in height for flexible Class A1-A4, B1 and D1 community uses. This permission remains extant. Condition 1 of this consent requires the submission

of an application for approval of Reserved Matters no later than 5 years from the date of the permission (so by 9th September 2025). In this case an application for the reserved matters (Ref.2022/10294/RES) was subsequently approved in 2023. This has recently expired, although the outline planning permission itself remains in place.

Planning permission was granted in September 2019 for the re-development of the Olympia Exhibition Centre site, hereafter referred to as the Masterplan Consent. This was subsequently amended under s73 in 2020 and again in 2023. The Masterplan consent, as amended, has been implemented and is in the advanced stages of construction. The permission briefly comprises the restoration of existing buildings and the provision of several new buildings for a variety of exhibition, arts and cultural uses, as well as complementary retail, food and beverage, office, co-working and hotel accommodation, alongside new public spaces. The full planning history is set out in section 3 of this report.

- 1.3. The design for Olympia Way has progressed and evolved since the outline and reserved matters consents, and therefore a planning application has now been made to represent the latest proposals. Full planning permission is sought for:

“the demolition of the existing building adjacent to the station entrance and erection of a 4 storey building for flexible commercial uses (Class E) along with the provision of public toilets, station facilities, cycle parking, the installation of a green roof and PV panels at roof level; b) The installation of 12 no. retail pavilions along Olympia Way for flexible commercial use (Class E); c) landscaping and public realm improvements; d) the replacement of fencing close to the boundary with the rail line; and e) the installation of a screen and the installation of a plinth for the purposes of the display of public art, along with other associated works.”

Mayoral Referral

- 1.4. Under the terms of the Town & Country Planning (Mayor of London) Order 2008, the Greater London Authority has been notified as the application forms part of a more substantial proposed development on the same land or on adjoining land.
- 1.5. The GLA responded on 8 November 2024 and advised that given the scale and nature of the proposals, they consider that the proposals do not give rise to any new strategic planning issues. As such, the application will not need to be referred to the Mayor of London (at Stage 2 of the referral process) prior to issuing a decision notice.

2. Site and Surroundings

Olympia Way

- 2.1. The application site comprises Olympia Way and the land to the eastern edge adjoining the railway station from Hammersmith Road in the south to Maclise

Road and the Motorail Car Park to the north. Olympia Way itself is not a public highway but did have one way north bound vehicular access onto Maclise Road prior to the commencement of construction works related to the Olympia Masterplan. Olympia Way at present provides a pedestrian route but is not open to general traffic.

- 2.2. At present, the site accommodates just one permanent building to the north end of Olympia Way. The building, referred to as 'the station building' comprises a vacant retail unit and disused ticket hall. The building further provides some limited facilities for Kensington Olympia Station that are accessed from the station platform. This includes staff welfare and passenger toilets.
- 2.3. Platforms, gatelines and all other operational station areas serving Kensington Olympia Station do not form part of this application. The existing ticket kiosk would also not be affected by this application.

Olympia Estate/Masterplan Site

- 2.4. This application does not seek consent for any development within the Masterplan site, nor does it seek any amendments to the Masterplan consent (as amended). Works pursuant to the Masterplan consent are at an advanced stage of construction and are described full in the planning history section of this report.

Site Designations

- 2.5. The site is partly located within the Olympia and Avonmore Conservation Area, as well as the Heathrow Safeguarding Zone. Several adjacent buildings within the Olympia Estate are subject to statutory listing. Adjoining the site to the north is the Lakeside, Sinclair and Blythe Road Conservation Area, typified by a consistent residential character.
- 2.6. The site lies within Flood Zones 1, 2 and 3, an Archaeological Priority Area and within a borough-wide designated Air Quality Management Area (AQMA). The site has a Public Transport Accessibility Level (PTAL) of 5. As well as Kensington Olympia, the site is near Barons Court and West Kensington underground stations. Bus services operate at multiple stops on Hammersmith Road. The site is not within any key views at a London or local level. The West London Line green corridor is located adjacent to, but not within, the site boundary.

Surrounding Area

- 2.7. The areas adjacent to the site are characterised by a range of building types and sizes, although largely by Victorian era residential buildings typically in the range of five storeys in height. To the south-east in RBKC and on the east side of the West London Line the former post-war office buildings of Charles House on the south side of Kensington High Street have been redeveloped for a residential led mix use development and are now known as 375 Kensington

High Street. These buildings provide significant scale and massing in the townscape.

- 2.8. To the west of the site, beyond the Olympia estate are several buildings between three and ten storeys in height in residential and office use, with ten storey office buildings fronting Hammersmith Road. To the north commercial and retail units occupy the ground floors of Maclise Road and the northern part of Blythe Road with medium size Victorian properties.

3. Relevant Planning History

Olympia Way

- 3.1. Outline consent was granted on 10 September 2020 with the following description of development:

2018/03102/OUT - Outline Planning permission for works at east of Olympia Way (access and layout applied for, landscape, appearance and scale reserved) comprising: a) Demolition of existing building adjacent to station entrance and the erection of buildings up to 4-storeys in height for flexible use as Class A1-A4 retail, professional and financial services, restaurant, bar; Class B1 office; Class D1 exhibition/community use; b) New public realm; and c) Landscaping and other associated works.

- 3.2. A non-material amendment (ref. 2022/01293/NMAT) was approved on 16 January 2023 in relation to the outline planning permission, which sought amendments to Condition 3 (Design Code and Parameters) to incorporate amendments to footprint, materiality and layout.
- 3.3. A reserved matters application (ref. 2022/01294/RES) was approved pursuant to the outline planning permission, on 17 January 2023. This has now expired, benefiting only from a two-year period to implement post approval. However, the Outline consent allows for reserved matters applications to be made until September 2025 and therefore remains extant.

Wider Olympia Estate

- 3.4. The wider Olympia estate has a substantial planning history with Grand Hall opening in 1886, and the adjacent Pillar Hall being a hospitality suite. West Hall has developed over time since being the stables in 1896. National Hall was built in 1923 with Central Hall following in 1929. The Multi-storey Car Park was constructed by 1937.
- 3.5. The original application for the redevelopment of Olympia was granted planning permission and listed building consent in October 2019, known as the 'Olympia Masterplan Development' or 'Masterplan Consent'. This development comprises the restoration of the existing historic buildings as well as the provision of high-quality new buildings for a variety of exhibition, arts and cultural uses, as well as complementary retail, food and beverage, office, co-

working and hotel accommodation, alongside new public spaces. The full description of development read as follows:

2018/03100/FUL and 2018/03101/LBC - Redevelopment of Olympia comprising: a) Central Hall - demolition with retention of listed façade to Hammersmith Road, erection of new ground plus 12 storey building for (B1) office, (D1) exhibition, flexible (A1-A4) retail/financial and professional services /restaurant/bar, and flexible (B1/D1) office/conference uses; new site-wide logistics centre, car/cycle parking and plant within two new basement levels; b) G-gate site - erection of ground plus 9 upper storeys building with two levels of basement for use as a theatre, (D1) exhibition and flexible (A3/A4) restaurant/bar use at ground/level 2 and roof level; c) National Hall - internal and external alterations comprising three storey roof-level extension for use as (C1) hotel, part use of National Hall for (A1-A4/C1) hotel and ancillary use, two levels of internal decks for use as (D1) exhibition space and flexible (D1) exhibition/(A3/A4) restaurant/bar use, alterations to existing basement and associated internal and external works; d) West Hall - alterations and extension to provide two additional storeys for use as (D2) live music and performance space; e) Maclise Road Multi Storey Car Park - partial demolition, alterations and extension for use as (C1) hotel, (D2) cinema, and flexible (B1/D1) co-working/conference use; f) Grand and National Halls - demolition of existing accommodation and circulation spaces between halls and construction of new Level 2 public realm deck with glazed canopy comprising flexible use (A1-A4) retail/restaurant/bar/financial and professional services; g) Pillar Hall - Internal and external alterations for use of building for (A3/A4) restaurant/bar, ancillary live music; h) Grand Hall - internal and external alterations including creation of two levels of internal decks for use as (D1) exhibition space and flexible (D1), (A3/A4) exhibition/restaurant/bar use; i) Plant and energy centres; j) Pedestrian/vehicle/cycle/highway works; k) Public realm, landscaping and associated works.

- 3.6. Following the granting of the Olympia Masterplan Development planning permission and listed building consent in 2019, the detailed design of various buildings has been progressed and refined to reflect the business and operational needs of future occupiers and tenants and to enhance the mix of uses provided. Various applications to amend the Olympia Masterplan Development have accordingly been approved, including minor and non-material amendments, and further planning and listed building consents such as the 'drop in' consent for the MSCP building to provide a school and an indoor fitness and leisure use alongside the hotel use which was previously permitted as part of the original Olympia masterplan development. The key permissions are summarised below.

2021/04167/FUL - Erection of a building comprising basement, ground and 7 upper storeys with associated roof level plant for hotel (Class C1), gymnasium (Class E) and school (Class F1) uses incorporating the retention of (and associated alterations to) the remaining elements of the Multi Storey Car Park building. Application approved.

2021/04166/VAR - Minor material amendment to the trigger for submission and/or implementation of details insofar as they relate to Phase 5 and variation of Conditions 53 (Use of Buildings) and 54 (Maximum Floor Space Areas) together with Conditions 1-10; 16-26; 28-38; 40-43; 46-48; 50-52; 56-58; 60-63; 65; 70; 79; 81 and 82 of planning permission ref. 2020/01048/VAR granted 7 January 2021 for the redevelopment of Olympia. Application approved.

2020/01048/VAR - Minor-material amendment to Conditions 2 (Approved Drawings), 53 (to include office B1 use in G-gate), 54 (Maximum Floorspaces), and 72 (Hotel Bed Cap) of planning permission ref. 2018/03100/FUL granted 25th October 2019. Application approved.

4. Description of Development

- 4.1. The application seeks full planning permission for the re-development of Olympia Way.
- 4.2. The proposed development consists of two phases; phase 1 would deliver the installation of 12 single storey pavilions along Olympia Way, alongside landscaping and public realm improvements and the replacement fencing. The installation of a screen and plinth on Olympia Way would also form part of this phase.
- 4.3. In phase 2, the existing building adjacent to the station entrance would be demolished and a replacement four storey building erected. This building, referred to as the 'Station Building' would provide office floorspace to the upper floors, a flexible retail/commercial unit to the ground floor and the provision of passenger toilets, station facilities, cycle parking, green roof and PV panels.

Pavilions

- 4.4. A series of 12 pavilions is proposed along Olympia Way, leading from the junction with Hammersmith Road, towards the proposed station building. Three pavilion models are proposed as described below:
 - Type 1 will feature 3 openable sides, allowing public access into the unit, with the aim to increase transparency between the public realm and interior of the unit.
 - Type 2 features a counter design on the long side facing Olympia Way, aimed at food and beverage tenants.
 - Types 3 and 4 would be a more solid unit, accommodating toilets and shower facilities, alongside cycle storage, MEP and waste facilities for pavilion tenants.
- 4.5. All pavilions will have a vertical metal profile cladding. The pavilions will feature integrated openable shutters, window hatches and doors to match the external metal cladding and sit flush once closed. The shutters will provide security during non-operational hours. A zone for signage to be individually installed by future tenants has been allowed for above the openings of the pavilions along with a projecting 'lollipop' sign.

- 4.6. A flexible Class E use is sought for the pavilions that would allow for a variety of commercial uses to operate, including food and beverage and retail. The units would provide between 15-17sqm of floor space.



Indicative view of the proposed kiosks and screen, looking south along Olympia Way

Landscaping

- 4.7. It is proposed to close Olympia Way to vehicular traffic during the hours of 0800 – 2000 daily. During these hours, the majority of Olympia Way would be accessible only to pedestrians and cyclists. Provision would be made for vehicles to drop off and pick up passengers with additional mobility needs from Kensington Olympia Station with access controlled by bollards. Access would also be maintained for emergency vehicles and Network Rail vehicles.
- 4.8. A public realm scheme is proposed along the length of Olympia Way, comprising a series of key landscape character areas:
- Garden: Located to the south of Olympia Way. This space will feature trees and shrub planting. A plinth is proposed in this space for changeable public art.
 - Square: This is further up Olympia Way (past the 'Garden'). It is an uncluttered space which allows for access to the railway line.
 - Crescent: This is a combination of the pavilions and street trees.
 - Alcove(s): These are the spaces between the pavilions away from the main flow of movement.
 - Screen: In combination with entrance to Grand Hall, this is designed to be the key focal point of Olympia Way.
 - Terraces: Located north of Olympia Way Avenue. This space opens up again to accommodate a series of paths and steps to access the public realm and Grand Hall.

- Avenue: Is a broadly uncluttered space to allow access to the various venues. It will be used by pedestrians and cyclists with deliveries restricted to out of hours.
- Station: Located to the north of Olympia Way. This space allows for movement to and from the station.

4.9. The hard landscape palette has been designed to be easily maintainable due to the anticipated footfall and servicing requirements. As part of the soft landscape, a variety of trees are proposed and mixture of species to help improve air quality.



Indicative view of the 'Garden' area, looking north down Olympia Way

Fencing

4.10. The existing fencing along the boundary with the railway line which runs the length of Olympia Way, is proposed to be replaced with the installation of a screen (fence). The screen will be located between the pavilions to create a servicing corridor for the servicing of the pavilion units. Access will be provided to the servicing route through integrated doors within the proposed fence screen. The fencing will be constructed as an aluminium frame with extruded diagonal shapes and fine mesh.

Screen

4.11. The screen will be positioned directly across from the Grand Hall entrance. It will mainly serve for wayfinding and promoting events taking place in the

Exhibition Centre. This screen is designed to be a transient feature rather than an event space itself.

Station Building

- 4.12. The existing station building is proposed to be demolished and replaced with a four-storey station building. The proposed building will accommodate a flexible commercial space on the ground floor (Class E), with commercial office space (Class E (g)) proposed to the upper floors. The building will further provide station facilities (sui generis) including passenger toilets and staff facilities. This building would be broadly in keeping with the station building approved by the Outline consent.



Indicative view of the Station Building, looking North on Olympia Way

Lighting

- 4.13. Lighting is proposed across the site and has been designed to ensure safety of the spaces along Olympia Way. The lighting strategy includes a series of different elements including:

- Lighting on the pavilions itself (front and rear).
- Festoon lighting between each pavilion.
- Back fence lighting behind the pavilions.
- Lighting columns to direct light to each seating area between the pavilions.
- Pocket park spotlights and recessed uplighting for the public art.
- Street lighting.

Access

- 4.14. Olympia Way is proposed to be car free, with no access for private vehicles. Vehicle Access will be controlled for taxis, emergency vehicles, and deliveries and servicing vehicles. Provision will also be made for the drop off and pick up of railway passengers with additional mobility needs. Delivery and servicing vehicles will be permitted to access Olympia Way outside of the proposed pedestrianised hours of 08:00-20:00. Access to Olympia Way for vehicles will be from Hammersmith Road at the south, and from Maclise Road at the north.
- 4.15. Pedestrian access to Olympia Way will not be restricted, with 24-hour access provided. Pedestrian access will be from Hammersmith Road at the south, and from Maclise Road at the north.

Floorspace/Use

- 4.16. The quantum of floorspace proposed within the station building is set out within the table below. The proposed floorspace is split across the site, with 176sqm proposed within the pavilions and 3,0247sqm proposed within the replacement station building.

| Use | Existing sqm GIA | Proposed sqm GIA | Net change sqm GIA |
|-------------------------------|------------------|------------------|--------------------|
| Flexible commercial (Class E) | 112 | 145 | 33 |
| Rail Station (Sui Generis) | 497 | 100 | -387 |
| Office (Class E (g)) | 0 | 3,002 | 3,002 |
| Total | 609 | 3,247 | 2,648 |

Table 1: Proposed Station Building Floorspace

- 4.17. The following documents have been submitted for approval:

- Existing and Proposed Drawings
- Covering Letter
- Planning Statement
- Phasing Plan
- Design and Access Statement
- Statement of Community Involvement
- Transport Assessment
- Olympia Way pick-up drop-off note
- Acoustic Report
- Townscape, Heritage and Visual Impact Assessment Statement
- Circular Economy Assessment
- Whole Life Carbon Assessment
- Sustainability Assessment
- Energy Assessment

- Fire Statement
- Flood Risk and SUDS Report
- External Lighting Assessment
- Olympia Way Biodiversity Net Gain Appraisal
- EIA Screening Conformity Letter
- EIA Screening Opinion: Daylight/Sunlight Matters - Olympia Way

EIA Screening

- 4.18. In January 2024, the applicant submitted a Regulation 6 screening opinion request. The Local Planning Authority (LPA) issued its screening opinion on 27 February 2024, concluding that the proposed development is not likely to result in significant adverse effects on the environment, given its nature, size, and location, with appropriate mitigation in place. The site is not within or near a sensitive area as defined in the Regulations and does not meet the criteria set out in Schedule 2 of the Regulations. The scheme is not unusually complex and does not pose potentially hazardous environmental effects. The potential impacts are considered to be localized and not significant enough to require a full Environmental Statement. Therefore, in accordance with Regulation 6 of the EIA Regulations 2017 (as amended), the LPA concluded that an Environmental Impact Assessment (EIA) is not required.

5. Publicity and Consultation

Consultation Responses

- 5.1 Greater London Authority (GLA) - The GLA have confirmed their view that the application does not raise any new strategic planning issues. There is therefore no need now to refer the application to the mayor at Stage 2 prior to issuing any decision notice.
- 5.2 Network Rail (NR) – No objection to Phase 1 subject to conditions relating to vehicular access. NR commented on matters relating to the applicant’s potential acquisition of the station building (Phase 2). It pertinent to note that matters of land ownership are not strictly a material planning consideration.
- 5.3 Historic England – No comment
- 5.4 Thames Water – No objection subject to informatives
- 5.5 Environment Agency – No objection
- 5.6 Transport for London (TfL) – No objection subject to conditions securing drop off and pick up arrangements for passengers at Kensington Olympia Station.
- 5.7 TfL (Infrastructure Protection) – No objection subject to conditions and informatives
- 5.8 Royal Borough of Kensington and Chelsea (RBKC) – No objection

- 5.9 Metropolitan Police – No objection
- 5.10 BAA Airport Safeguarding – No objection

Residents and Amenity Groups

- 5.11 Neighbour notification letters were sent to 3,581 properties. Additionally, a site notice was posted on 2 October 2024, and a press advert was published 26 September 2022.
- 5.12 In total 66 objections were received from local residents. The content of the representations received are summarised below.
 - Concerns regarding the height and scale of the station building
 - Impacts upon residential amenity (daylight, privacy and noise)
 - Lack of greening/planting
 - Impacts upon the appearance of the surrounding area and conservation area
 - Traffic/highways
 - Pressures on public transport and lack of step free access at Kensington Olympia Station
 - Impacts on surrounding roads because of the pedestrianisation of Olympia Way
 - Light pollution
 - Harm to wildlife
- 5.13 An objection has also been received from “The Street Hub” (group of residents representing 20 streets within Brook Green and Addison wards, north of Olympia). The objections can be summarised as follows:
 - 4-storey station building:
 - Too high (will block morning light; darken the Maclise Road thoroughfare; establish a dangerous precedent)
 - Too large (footprint takes up too great; will preclude drainage; area already suffers from flooding risk and building would create further problems for residents).
 - Too vague in its usage (Class E request is unsatisfactory; building is too close to residents for it to be acceptable for commercial usage)
 - Unable to be serviced because of its location and the transport/traffic flow issues already identified in that corner of the development (northern end of Olympia Way will already suffer from congestion due to traffic wanting to access the Motorail carpark, the hotel, new school and Olympia train station).
 - Not serviced by sufficient public transport (insufficient public transport to service the existing Development at Olympia, and current application will worsen this; Olympia station needs safe access/egress).
- 5.14 The Hammersmith and Fulham Historic Buildings Group provided comments in support of the demolition of the existing station building and its proposed

replacement. Concerns were, however, raised regarding the impact of the pavilions on nearby listed buildings and the open character of Olympia Way.

Public Engagement

- 5.1. The applicant has provided a Statement of Community Involvement (SCI) that summarises the public consultation that they undertook prior to the submission of the current planning application.
- 5.2. In this they refer to an in-person consultation event that they hosted in January 2024 to discuss the proposed changes to the extant consent at Olympia Way, at which they state members of the developer team were available to answer questions from residents on the proposals. Invitations were sent to over 7,000 local residents and businesses and 500 email invites were also issued. The SCI states that feedback from the consultation event was almost entirely positive and that residents felt the changes proposed were an improvement to the previously approved scheme.

6. Planning Policy Framework

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. 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.
- 6.3. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 6.4. The statutory development plan comprises the London Plan (2021); the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD). Several strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (2024)

- 6.5. The National Planning Policy Framework (NPPF) (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.

The London Plan (2021)

- 6.6. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposal has been assessed in line with the policies set out in the Plan.

The Local Plan (2018)

- 6.7. The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) and Affordable Workspace SPD (October 2022) are also a material consideration in determining planning applications.

7. Planning Considerations

- 7.1. The main considerations material to the assessment of this application have been summarised as follows:
- The extant consent (ref. 2018/03102/OUT)
 - Principle of development and land use
 - Design and heritage
 - Residential amenity
 - Highways
 - Environmental considerations
 - Accessibility

8. Principle of Development and Land Use

Extant Consent

- 8.1. An outline consent, ref. 2018/03102/OUT, was granted in September 2020 for the redevelopment of Olympia Way. The application granted consent for the demolition of the station building, and the erection of buildings up to four storeys in height for flexible Class A1-A4, B1 and D1 community uses. This permission remains extant. Condition 1 of the outline planning permission requires the submission of an application for approval of Reserved Matters no later than 5 years from the date of the permission (by 9th September 2025).
- 8.2. The outline consent defined the maximum heights of the buildings to be delivered along Olympia Way, along with the site layout. The replacement station building was to have a maximum height of 18m (4 storeys) and a linear building along Olympia Way was to have a maximum height of 11m (2 storeys).
- 8.3. The outline consent was varied by way a s96a non-material amendment application, ref. 2022/01293/NMAT. This application was approved in January 2023. The application amended the approved design code and parameters to incorporate amendments to footprint, materiality and layout. The amendments

allowed for curved corners to be introduced to the approved buildings and introduced a contemporary pallet of materials. No amendments were sought to the maximum heights secured in the outline consent.

- 8.4. An application for Reserved Matters Approval (RMA) was submitted to LBHF, ref. 2022/01294/RES, and approved in January 2023. The RMA has now expired as it was not implemented within two years of the decision date. This does not preclude the ability of the developer to submit a further application for Reserved Matters Approval prior to the September 2025 deadline set in the outline consent.
- 8.5. The extant outline consent is a key material consideration in the determination of the current application. A fallback position must be considered where a developer could feasibly and lawfully implement an alternative development.
- 8.6. Case law has established important principles regarding the use of fallback positions in planning decisions. In the case of **R v Secretary of State for the Environment and Havering BC (1998) EnvLR 189**, the court set out three critical elements to assess the fallback position: the lawful ability to undertake the fallback use, the likelihood or real prospect of such use occurring, and a comparison between the proposed development and the fallback use. This means that for a fallback position to be relevant, it must be legally permissible, realistically likely to happen, and comparable to the proposed development in terms of impact.
- 8.7. The outline consent remains extant until September 2025 which would allow sufficient time for the submission of a further Reserved Matters Consent to LBHF. The fallback use could therefore be lawfully implemented, subject to securing RMA approval and the discharge of any relevant conditions. The station building, as proposed by the current application, is near identical to that approved by the outline consent regarding height, scale, massing and land uses. There is a clear desire by the developer to redevelop the station building site and it can therefore be accepted that there is a real prospect of the fallback use occurring. Officers would therefore conclude, having regard to relevant case law, that the developer benefits from a valid fallback position in relation to the station building.
- 8.8. The NPPG (National Planning Policy Guidance) further advises that a Local Planning Authority could be considered to be behaving unreasonably where they fail to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances. The NPPG further emphasises the need for LPAs to determine similar cases in a consistent manner. The implementation of the Olympia Masterplan scheme has resulted in a change to the wider site context. However, the Olympia Way outline consent was considered alongside the Olympia Masterplan and was subject to cumulative assessments within the Environmental Statement. The current scheme is therefore being considered within the same context of the outline consent – i.e. with the Olympia Masterplan.

- 8.9. The current application must therefore be considered against the valid fallback position afforded by the extant outline consent. The outline consent allowed for a four-storey station building with a maximum height of 18m. The current application would maintain the siting and footprint of the station building and would have a maximum height of 18.5m, set behind a 19.6m high parapet. The principle of a four-storey building of this siting and footprint has been established through the outline consent and decision makers are required to give significant weight to this fallback position.

Land Use – Station Building

- 8.10. The application proposes to demolish the existing Kensington Olympia station building and to replace it with a four-storey mixed use building. At present, the station building is accessed from the station platform only and provides passenger toilets and limited staff facilities. The ticket hall has been disused for many years. The existing ticket office comprises a small structure on the station concourse and does not form part of this application. The station building has a small retail unit, last occupied by a newsagent, but has been vacant since 2015.
- 8.11. The replacement building would re-provide passenger toilets and railway staff facilities as well as a flexible Class E unit, annotated as a retail unit on the proposed plans, to the ground floor. The remaining floor area would accommodate an office and the associated cycle and refuse storage.
- 8.12. **Policy TLC4 of the Local Plan** seeks to protect retail units within non-designated parades, clusters and corner shops. The justification for the policy emphasises the importance of these units for providing goods and services to local residents.
- 8.13. The existing retail unit, measuring 112sqm, benefits from an unfettered Class E use. This would allow for any uses within Class E to lawfully operate from the unit without the need for planning permission. The replacement unit would measure 145sqm, thus resulting in a small increase in commercial floorspace. The reprovision of this unit is welcomed in line with the aims of Policy TLC4. **Policy TLC1 of the Local Plan** requires the submission of a retail impact assessment for out-of-town proposals exceed 300sqm. This is not considered to apply to this development noting that the additional retail floorspace would total only 33sqm and the gross floorspace would fall below 300sqm.
- 8.14. There would be an overall reduction in the operational station floorspace through the loss of the long disused ticket hall. There would be a replacement of the existing staff facilities and station office, and passenger toilets would be re-provided. As such, the reduction would not see the loss of any current operational floorspace and would instead provide renewed facilities. This is considered acceptable.

Land Use – Station Building Offices

- 8.15. The proposed development would deliver 3,002sqm of office floor space across the ground and upper floors of the station building. This is broadly in line with the quantum approved by the outline consent (3,200sqm) which is a material consideration to which substantial weight should be given.
- 8.16. The council's spatial vision within the Local Plan sets out that by 2035 Hammersmith and Fulham will be a key part of, and contributor to, London's thriving international economy and the benefits of this will be shared throughout the borough. It will be home to centres of innovation, a skilled workforce and a growing number of businesses and jobs providing opportunities for local people. Furthermore, opportunities will have been taken to regain the borough's pre-eminent position for Culture, Media and Arts companies in the borough and will have encouraged inward investment, to support new enterprises and start-up businesses and to facilitate job growth in the local area, where all people are connected to economic opportunities and live in strong and thriving communities.
- 8.17. **Policy E1 of the Local Plan** states that when considering new employment floorspace or the extension of existing floorspace the council will also take into account:
- a) whether the scale and nature of the development is appropriate, having
 - b) regard in particular to local impact, the nature of the surrounding area, and
 - c) public transport accessibility;
 - d) impact upon small and medium sized businesses that support the local
 - e) community;
 - f) scale and nature of employment opportunities generated in the new
 - g) development;
 - h) whether there will be displacement of other uses such as community facilities
 - i) or housing; and
 - j) the Hammersmith and Fulham Economic Growth Plan and the council
 - k) economic strategies.
- 8.18. Policy E1 goes on to state that large office developments, exceeding 2,500sqm, will generally be discouraged outside of town centres and opportunity areas. This is unless it can be demonstrated that provision cannot be made within the aforementioned areas.
- 8.19. Policy E1 is supported by the Council's Employment Land Study which forms part of the Local Plan evidence base. The study identifies a number of sub-markets for offices across the borough that fall outside of town centres. Kensington Olympia is identified as a sub-market with potential for future supply of office floorspace. Policy E1 of the London Plan supports the consolidation and extension of office developments in existing clusters.
- 8.20. Part E of Policy E1 requires consideration of H&F's economic growth plan and other economic strategies. The Council has recently published 'Upstream London' which sets out the borough's vision for high economic growth. The Olympia development is identified as an important contributor to the goals of the strategy which includes the continued support for the arts

and culture sector within the borough. The delivery of further office floorspace at Olympia Way would support the creation of a localised Olympia sub-market with occupiers benefiting from proximity to other commercial and creative uses across the wider estate. This in turn will allow for further employment opportunities to be created in line with Part C of the policy.

- 8.21. It is accepted that the development would be outside of a designated town centre or opportunity area, and would exceed 2,500sqm of office floorspace. However, the office floorspace would help further the cumulative benefits of economic growth and job creation that will be delivered across the wider Olympia masterplan site. Furthermore, there is an extant consent for an office development at this site which must be given material weight when determining this application. Therefore, on balance, the office development is considered acceptable in principle.

Pavilions

- 8.22. A total of 12 individual pavilions are proposed along Olympia Way, of which 10 would provide flexible commercial spaces falling within Use Class E. The remaining 2 pavilions would accommodate ancillary cycle storage and toilet facilities for employees.
- 8.23. Each of the commercial pavilions would provide between 15 – 17sqm of flexible floorspace that would allow for a range of uses. It is anticipated that the uses would be complimentary to the function of the wider Olympia estate and could vary from small scale food and drink or retail offers to uses specifically relating to a current exhibition. The pavilions would support the historic and well-established exhibition use as well as supporting the emerging leisure and entertainment uses consented as part of the Masterplan. The introduction of the small-scale commercial uses along Olympia Way is therefore considered acceptable in principle.

Employment and Skills

- 8.24. **Local Plan 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.
- 8.25. A comprehensive demolition, construction and operational phase package of employment and skills obligations has been previously secured under the Outline and Masterplan consents. The obligations cover both the Masterplan and the Olympia Way development and include apprenticeships, work placements and a skills and training contribution of £7,098,000. Additionally, an employment and skills contribution of £1,914,500 was secured under the Masterplan and Olympia Way legal agreement to be applied by the Council in the promotion of the training opportunities available. The quantum of development would reduce as a result of the current application through the reduction in commercial floorspace. Nevertheless, the legal agreement for the current application will secure the delivery of the obligations as set out in both the Outline and Masterplan agreements.

Affordable Workspace

- 8.26. Policy E1 of the Local Plan requires the delivery of flexible and affordable space for small and medium enterprises in large new business developments.
- 8.27. Policy E1 (g) of the London Plan requires that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace
- 8.28. The LBHF Affordable Workspace SPD (2022) confirms that the Council will take a flexible approach to affordable workspace proposals, focussing on key policy objectives, social value and optimal outcomes. Affordable workspace can comprise a range of different options to meet local need including start-up spaces, rental discounts and flexible leases.
- 8.29. Affordable Workspace has been secured in both the Olympia Way outline consent and the Olympia Masterplan consent. The obligation requires the delivery of a quantum of affordable workspace equivalent to 5% of the total area of the office floorspace consented across the two schemes. The affordable workspace is required to be delivered within the Olympia Way development prior to the first occupation of any relevant office floorspace across the two schemes. If this is not feasible, for example if the Olympia Way development would not be completed until after the first occupation of the Masterplan office development, then the affordable workspace must be provided within the Masterplan site. The outline and masterplan consents also secured a financial contribution of £10.5m towards the delivery of offsite affordable workspace. A variation to the Masterplan consent, ref. 2020/01048/VAR, secured a further £2.5m towards offsite affordable workspace. These contributions have been paid and as such will not be sought again within the legal agreement for the current application.
- 8.30. It is proposed that the affordable workspace obligations are replicated within the legal agreement pursuant to this application. The affordable workspace obligations secured in the outline and masterplan consents remain consistent with current policy. The current proposal would not see an increase in office floorspace and as such the obligation, as presently worded within the relevant legal agreements, remains sufficient.

9. Design, Heritage and Townscape

9.1. Policy Context

- 9.1.1. **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.

- 9.1.2. **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.
- 9.1.3. **The NPPF (2024)** 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.
- 9.1.4. 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.

- 9.1.5. 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 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting.

9.2. Site Context and Designations

- 9.2.1. The application site forms the historic approach to the entrance of the Olympia Exhibition Centre, spanning the area between the West London Line and the exhibition centre. The proposals relate to the public realm on Olympia Way which is a private road and to the postwar Kensington Olympia Station building which contains accessible toilet facilities for railway passengers which are entered directly from the northbound platform at Kensington Olympia Station. The station itself is not currently accessed from Olympia Way through the station building, the passenger entrance to the station from Olympia Way located to the south beneath a canopy.
- 9.2.2. Outline planning permission (2018/03102/OUT) has previously been granted for the replacement of the existing Kensington Olympia Station building with a new four storey building, the erection of a shallow linear range development stepping up from one to two storeys enclosing the east side of Olympia Way adjacent to the West London Line, and public realm improvements to Olympia Way.
- 9.2.3. The wider Olympia Exhibition Centre is currently being redeveloped in accordance with the Olympia Masterplan scheme as approved under 2018/03100/FUL and 2018/03101/LBC and amended through subsequent applications.
- 9.2.4. Most of the application site is situated within the Olympia & Avonmore Conservation Area, but part of the application site including the station building itself is located outside of any Conservation Area. The application site is located adjacent to the Lakeside/Sinclair/Blythe Road Conservation Area in H&F.
- 9.2.5. The Grand Hall and Pillar Hall at Olympia Exhibition Centre dating from 1886 are listed at Grade II* and were designed to face the railway station which was the main point of arrival when they were originally built. The National Hall dating from 1923 is listed at Grade II and occupies the corner of Olympia Way and Hammersmith Road. Together these three exhibition halls form an impressive group of buildings with a civic quality of architecture and enclose the western side of Olympia Way. At the northern end of Olympia Way, the former Olympia Multi-Storey Car Park dating from 1936 is listed at Grade II but is in the process of being extensively remodelled for alternative uses including a hotel and school as part of the consented Olympia Masterplan which has involved almost complete demolition and substantial harm to its significance. There are various other listed and listed curtilage buildings at the Olympia Exhibition Centre including the boiler house chimney which is visible from Olympia Way through the gap between Grand Hall and Pillar Hall. The Grade II listed retained façade of the former Olympia Central exhibition hall dating from 1929 fronts Hammersmith Road and has been incorporated into the office tower which is nearing completion as part of the consented Olympia Masterplan.

9.2.6. The application site falls within the settings of two Grade II listed telephone kiosks on the north side of Maclise Road.

9.2.7. The site is located close to the Borough boundary with RBKC and there are various designated heritage assets on the eastern side of the West London Line within RBKC.

9.3. **Significance of Heritage Assets**

9.3.1. Olympia Exhibition Centre - The Olympia Exhibition Centre is a visual and entertainment landmark of national significance which is well-known for its annual round of events. It is characterised by a variety of high-quality buildings ranging in date from 1885 to the 1930s, designed for the purpose of hosting entertainments, events and exhibitions. The listed buildings at Olympia have considerable group value as part of an evolving complex of exhibition buildings on the site, which relate closely to each other functionally. Olympia also has substantial historical and communal significance as a major national and indeed international events space, reflecting the original vision of a foremost destination for large-scale entertainments and events, and the exhibition of art, science, and industry. Olympia is a nationally rare building type of which there are few comparable examples. The structure of the Grand Hall has parallels with Victorian railway architecture, such as the impressive barrel-vaulted roofs at Paddington and St Pancras railway stations, but is unusual for being deployed in exhibition and entertainment use and surviving substantially intact. The former Agricultural Hall in Islington was the inspiration for the Grand Hall but is a smaller and less architecturally impressive space. The Winter Gardens in Blackpool and Alexandra Palace are comparators as large-scale entertainment complexes. Olympia is also unusual for its subsequent evolution, with each additional building expanding the capacity of the site or contributing to its ability to support exhibitions and events. The individual buildings reflect their different eras of construction but contribute to the historic and architectural value of the site as a leading exhibition venue for over 130 years. Additional buildings have maintained the pre-eminence of the Grand Hall as the primary signifier of the Olympia complex. Overall, the Olympia site is nationally rare and highly significant.

9.3.2. Grand Hall and Pillar Hall (listed at Grade II* under a single listing entry) - The Grand Hall and Pillar Hall are the earliest buildings on the site and possess the most architectural and historic interest, as reflected in their higher grade of listing. They are of national interest because of their central role in the country's cultural life and are a rare surviving example of their type. Their distinctive elevations articulate their design intention to create a national hall and provide a focal point in the local townscape. The Grand Hall provides a dramatic example of large-scale Victorian industrial engineering and technical innovation. There is great aesthetic interest in the high quality and well-preserved interiors of the Pillar Hall which was built as a set piece with the Grand Hall and provided a separate event space; the two buildings have strong group value. The boiler house chimney is also included within the list description as a subsidiary element.

- 9.3.3. National Hall and Olympia Central (listed at Grade II under a single listing entry) - The National Hall and Olympia Central contribute to the historic and cultural interest of the Olympia site as a major exhibition centre. The National Hall complements the design of the Grand Hall through its restrained classical façade and its simplified, scaled-down version of the Grand Hall's barrel-vaulted roof. The conference and hospitality rooms are well-preserved and attractively detailed with mahogany panelling and decorative plasterwork to the ceiling downstands. Olympia Central was designed by Joseph Emberton, an important figure in the modern movement who is responsible for a number of other listed buildings including the casino at Blackpool Pleasure Beach and Simpson's, Piccadilly. It has a bold, distinctive elevation to Hammersmith Road and is a confident rendering of the Moderne style. Its interiors were intentionally plain, have been altered and very little remains of heritage interest. The National Hall and Olympia Central have strong group value with the Grand Hall and Pillar Hall.
- 9.3.4. Olympia Multi-Storey Car Park (listed at Grade II under a single listing entry) - The Olympia Multi-Storey Car Park was listed at Grade II in September 2018 but has since been largely demolished with substantial harm to its significance. The list description indicates that the significance of the multi-storey car park lay principally in its historical interest as an important staging post in the development of the multi-story car park in Britain, refining the tandem parking system and giving a contemporary expression to its underlying form. It was also listed for bold streamline design and its architectural interest as an important work of Joseph Emberton, architect of Olympia Central.
- 9.3.5. Olympia and Avonmore Conservation Area - The Olympia and Avonmore Conservation Area has a mixed character, predominantly residential but with larger commercial sites along the railway line and retail uses mostly clustered along Hammersmith Road. The southern part of the conservation area is dominated by the former Whiteley's Depository site (now called Kensington Village), consisting of substantial brick-built Victorian warehousing, now primarily in office and commercial use. The central part of the conservation area is characterised by substantial Victorian terraces and late-nineteenth and early-twentieth century mansion blocks. Building heights in this sub-area of the conservation area are generally of domestic scale, with residential terraces of three to four storeys and some mansion blocks rising to five storeys. The Olympia exhibition site occupies the northern part of the conservation area and makes a significant contribution to the character of the area because of its size, scale, distinctive character, quality of architecture and exhibition use.
- 9.3.6. Lakeside/Sinclair/Blythe Road Conservation Area - Lakeside/Sinclair/Blythe Road Conservation Area lies immediately to the northwest of Olympia. The area was developed from the 1870s and is characterised by densely developed streets of substantial late-Victorian terraces of two and three storeys in brick and stucco, with some distinctive local shops and pubs. Some post-war development has occurred on sites cleared after bomb

damage, including modern four and five storey blocks of apartments. St Simon's Church tower is a local landmark.

9.4. **Assessment**

- 9.4.1. The development is proposed to be undertaken in phases with the public realm elements being undertaken first and the replacement station building as a second phase.
- 9.4.2. The public realm (i.e. elements B-E within the application description) has been redesigned since the previous Outline consent was approved. The previously consented range development alongside the West London Line, which had been identified as causing harm to heritage assets, has been omitted. Instead, the public realm and the setting of the listed buildings would have a more spacious feel, with single storey pavilions arranged within the public realm on the eastern side of Olympia Way, occupied by uses capable of providing activation and animation to the public space. This would be consistent with the design approach taken to the surroundings of other major event venues and would provide more flexibility to trial different tenancies and tailor the retail offer and displays to events being held at Olympia Exhibition Centre. It would also allow the significance of the designated heritage assets to be better appreciated and preserve views of the listed buildings from platform level at Kensington Olympia Station.
- 9.4.3. The proposed retail pavilions would be detailed with a strong patterned diagonal motif in bronze coloured aluminium cladding panels. Two different model designs incorporating variations of countertop and window openings would be approved to allow for flexibility for future occupiers depending on the nature of the tenant's business. At night the pavilions would be secured as the metal projecting canopies would be lowered to form screens to the countertop and window openings. Each pavilion would incorporate external lighting and signage zones, and the quality of external materials would be secured by condition.
- 9.4.4. The public realm along Olympia Way is proposed to consist of different character areas, responding to the series of entrances to the listed buildings and providing space for pedestrian movement and more informal spaces for visitors to gather or take a rest. At the southern end of Olympia Way, a garden area is proposed to create a visual and acoustic buffer to traffic along Hammersmith Road. A 'square' and 'crescent' are proposed as the setting for the retail pavilions in front of the eastern façade of National Hall. A gathering space would be created at the widest point of Olympia Way in front of the entrance to Grand Hall, where it is proposed to create an informal area for screenings on the digital screen. Further north the public realm would take the form of an arrival space in front of the entrance to Kensington Olympia Station. The proposals incorporate a significant uplift in the quantum and quality of soft landscaping including the provision of replacement tree planting.

- 9.4.5. The existing wire fence to the West London Line would be removed and replaced with a new high quality boundary treatment softening the visual impact of the railway infrastructure in views from Olympia Way. The design of the fence would take its articulation from the pleats of the Grand Hall Arch, the Public Realm canopy and the office tower above the retained façade of Olympia Central. It would screen the external service corridor and refuse stores at the rear of the retail pavilions from the public facing areas of Olympia Way. The fence would be constructed as an aluminium frame with extruded diagonal shapes having been informed by the design and materials of the recent extensions to the Olympia Exhibition Centre, to create a legible pattern of stylistic details and a consistent palette of external materials across the wider estate. The quality of external materials would be secured by condition.
- 9.4.6. The boundary treatment would incorporate the structure for a digital screen facing towards the pedestrianised Olympia Way. The digital screen could be used to stage screenings or to display information about events at Olympia Exhibition Centre. The visual impact of a digital screen within a busy pedestrian environment outside a major events venue and surrounded by public space and buildings of significant scale is considered acceptable in principle. Advertisement Consent would be required for the use of the screen to display advertisements. Either side of the digital screen are two ancillary pavilions (types 03 and 04), subservient in scale to the retail pavilions, which would provide toilet and cycle storage facilities for those working in the retail pavilions. The ancillary pavilions would have similar stylistic details and the same external material palette as the retail pavilions.
- 9.4.7. The public realm proposals represent a significant upgrade on the existing situation and would have a transformative effect on the quality of public space at the main point of arrival to Olympia Exhibition Centre from Kensington Olympia Station. The existing functional access road and boundary treatment to the West London Line would be redesigned to create a safe and accessible civic space with high quality hard and soft landscaping that prioritises pedestrian activity and creates new opportunities to appreciate the significance of the listed buildings.
- 9.4.8. The character and appearance of the Olympia & Avonmore Conservation Area and its setting, the setting of the adjacent Lakeside/Sinclair/Blythe Road Conservation Area and the settings of adjacent listed buildings would be enhanced by the public realm proposals. There would be no harm to the settings of heritage assets in RBKC.
- 9.4.9. The existing station building benefits from an extant outline planning permission (2018/03102/OUT) for redevelopment with a building of similar height and massing to the current proposal (element A of the application description). The principle of demolishing the existing station building has already been established as being acceptable in principle given its lack of architectural or historic interest.

9.4.10. The ground floor of the proposed building incorporates the opportunity for the commercial use to provide an active frontage to Olympia Way and the rear part of the ground floor provides accommodation for accessible toilet facilities for railway passengers which would be accessible directly from the northbound platform. The long-term operation and maintenance of the accessible toilet facilities would be secured by condition. The scale and massing of the proposed building would provide an appropriate level of enclosure to the northern end of Olympia Way and complements the scale of the redeveloped Olympia Multi-Storey Car Park building on the opposite side of Olympia Way. It would also improve the legibility of the passenger entrance to Kensington Olympia Station, which is currently relatively concealed, with opportunities for high level station signage to be visible from the length of Olympia Way. The upper floors of the office accommodation would consist of punched windows in a horizontal alignment within aluminium cladding panels with details of external materials and colour pattern to be secured through conditions. The proposed building would assist with place marking as part of the wider redevelopment of the Olympia Estate and would represent a significant improvement in terms of the quality of the design of the built environment at the main point of entry to the Olympia Exhibition Centre. The setting of the Olympia & Avonmore Conservation Area, the setting of the adjacent Lakeside/Sinclair/Blythe Road Conservation Area and the settings of adjacent listed buildings would be enhanced by the public realm proposals. There would be no harm to the settings of any heritage assets in RBKC.

9.5. **Conclusion**

9.5.1. The proposals would be well designed and would represent a high quality of urban design and landscape design which would preserve the significance of the Conservation Area and its setting and preserve the settings of adjacent heritage assets in accordance with s.66 and s.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Local Plan Policies DC1, DC2, DC8 and OS5 and Planning Guidance SPD Key Principles CAG1, CAG2, CAG3 and CG6.

10. **Residential Amenity**

10.1. **Local Plan Policy HO11** addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'. Local Plan **Policy DC2** states that all new builds must be designed to respect good neighbourliness and the principles of residential amenity.

10.2. **Paragraph 130 (c) of the NPPF** states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land for housing, and in this context, authorities should take a flexible approach in applying policies of guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.

10.3. Daylight, Sunlight & Overshadowing

- 10.3.1. **The BRE Guidelines** are typically used to assess daylight and sunlight. The Guideline sets out methods for assessing daylight into a room including the Vertical Sky Component (VSC) method and plotting of the no-skyline method. The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme. Sunlight assessment is based on annual probable sunlight hours (APSH) and winter sunlight hours. In terms of overshadowing of gardens and open spaces the BRE guide recommends that for an open space to appear adequately sunlit through the year, more than half of the space should receive at least two hours of sunlight at the March equinox.
- 10.3.2. A daylight, sunlight and overshadowing assessment has been submitted which includes an assessment of the impacts arising from the four-storey station building. The pavilions buildings are excluded from the assessment, but this approach is considered appropriate given their siting and limited scale and massing. The nearest facing residential windows to the pavilions serve buildings along Russell Road and are set at approximately 55m from the pavilions and associated screening, separated by the railway, station platforms and community gardens. It can therefore be concluded that there would be no adverse impacts upon daylight, sunlight or overshadowing afforded to residents of the buildings arising as a result of this element of the development. It is further noted that the two-storey linear building was subject to a full assessment in the extant Outline consent. This building was of a substantially larger scale than the now proposed pavilions and screening. The assessment concluded that 70 Manston House, 71 Ibberton House, 72 Oakeford House, 73 Rushmore House, and 74 Shillingstone House Russell Road would not have received any alteration in the amount of direct sunlight received with all having more than 2 hours or more direct sunlight for between 94% and 98% of the day which is well in excess of the 50% BRE guide.
- 10.3.3. The effect of overshadowing the areas of these properties is considered negligible with a slight increase in transient overshadowing at the amenity area of 69 Russell Road Ashmore House between 3-4pm on 21st March; 2-4 Sinclair Road at 7am and 2-8 Sinclair Road at 8am on 21st June; There will not be any overshadowing on 21st December.
- 10.3.4. An assessment of the daylight and sunlight impacts on the nearest residential receptors is provided below. The impacts do not change from those assessed in the extant consent.
- 10.3.5. 1 Sinclair Road. One window will fall below BRE sunlight criteria with a reduction of 22% which is just above the 20% BRE guideline and serves a bedroom and is considered acceptable.
- 10.3.6. 14 Sinclair. Three south-east facing bedroom windows will experience alterations in sunlight during the winter in excess of 40%. However, all three

meet the BRE criteria for total sunlight and are considered to receive sufficient sunlight over the year to be acceptable. The overall impact is considered acceptable and commensurate with an urban location.

- 10.3.7. 12 Sinclair Road. Two windows fall below the BRE sunlight criteria. One window will experience a significant drop in winter sunlight but will retain 23% APSH which is just below the expected 25%. The other window will see a significant impact on winter sunlight however currently experience 3% probable winter sunlight hours, which is just under the 5% guideline and would fall to 0%; total sunlight would change to 22% just above the APSH guideline of 20% BRE guideline and will retain 18% APSH. The overall impact is considered acceptable and commensurate with an urban location.
- 10.3.8. 10 Sinclair Road. Five windows would fall below the BRE sunlight guidelines. One would see an alteration of winter sunlight of 40%, however would fully comply with APSH criteria and would receive sufficient sunlight through the year. Three windows would fall below the BRE criteria for total sunlight: one window sees an alteration of 25%, one window 35% and the other 40%. All three achieve less than 20% APSH in the current context which is below the 25% guideline. The remaining window falls below BRE guidelines for total and winter sunlight with an alteration of 40% in the winter with a moderate alteration of 31% in total sunlight and retaining an APSH of 20%. All five rooms are east and south-east facing bedrooms and on balance overall impact is considered acceptable and commensurate with an urban location.
- 10.3.9. 8 Sinclair Road. Four windows would fall below sunlight guidelines for total sunlight: one an alteration of 27%, the other three in excess of 40% however all four currently achieve less than 14% APSH which is below the BRE 27%. Two further windows fall below the guidelines for both total and winter sunlight. All six of these rooms are east and south-east facing bedrooms. Two windows would see not fully comply with VSC under BRE and experience a negligible effect. One would see a reduction of 22%, marginally above the BRE guide of 20%, the other a reduction of 34% however this is a bedroom that currently experiences a VSC of 6% and reduces to 4%. There are no impacts on NSL. The overall impact is considered acceptable and commensurate with an urban location
- 10.3.10. 6 Sinclair Road. Six windows fall below the sunlight criteria for total and winter sunlight with both seeing changes of 40% of winter sunlight although both will retain 2% and 3% winter probable sunlight hours and 19 and 23% APSH. Three windows will see alterations in APSH over 40% although all currently achieve under 14% APSH. One window will fall below the criteria for total sunlight in excess of 40%. All six rooms are bedrooms and east and south-east facing and receive limited sunlight hours. Four windows would fall below the BRE VSC criteria with alterations of between 20-26%. Three of these windows serve bedrooms and the other a kitchen at basement level which retains a VSC above 24%. There are no impacts on NSL. The overall impact is considered acceptable and commensurate with an urban location.

- 10.3.11. 4 Sinclair Road. Two windows fall below the winter and total sunlight criteria, one a reduction of winter sunlight between 30-30.9% and an alteration of APSH between 20-29.9%; the other a reduction in winter sunlight of over 40% an APSH alteration of 3-39.9%. However, these windows retain 1% and 2% winter probable sunlight hours and 14% and 19% APSH. Four further windows fall below the APSH criteria with one between 30-39.9% and the other three over 40%. All four currently achieve less than 17% APSH. All six windows are east and south-east bedroom windows. Five windows would be impacted and fall below the BRE VSC criteria and have reductions between 22-27%. Three of these serve bedrooms and the other two kitchens at basement and ground floor and retain VSC of 20%. Two of the bedrooms would see reductions of 21% and 36%. All rooms meet NSL criteria. The overall impact is considered acceptable and commensurate with an urban location.
- 10.3.12. 2 Sinclair Road. Fifteen windows fall below the BRE for total and winter sunlight. Four experience a loss from a current APSH of 2% to 0%; eleven windows see a significant reduction in APSH with five windows having an existing context of less than 9% which is far below the 25% criteria. Twenty windows would fall below BRE VSC criteria, eleven see alterations of between 20-29.9%, five see reductions of 30-39.9% and four alterations of 40%+. Of these twenty windows, thirteen serve bedrooms. Four basement windows retain a VSC above 13% which is not unusual for such rooms in an urban location. The remaining three at ground to third floor retain VSC of over 18%. 19 rooms would meet NSL criteria, and the impacts would be negligible. One bedroom would see an alteration of 25%. One room would see an alteration of between 30-39.9% and retain daylight distribution of over 65% and is considered acceptable. Two rooms would see an alteration of NSL above 40%. The overall impact is considered acceptable and commensurate with an urban location.
- 10.3.13. 69 Russell Road, Ashmore House. Eight rooms would fall below the BRE criteria for NSL daylight compared to the masterplan application alone due to the massing at Olympia station, however all eight rooms are considered less sensitive bedrooms. The ES concludes the impact to be minor adverse, i.e. not significant. The overall impact is considered acceptable and commensurate with an urban location.
- 10.3.14. Officers have considered effects of the proposals on daylight, sunlight, and overshadowing. The policy framework clearly supports the flexible application of daylight, sunlight, and overshadowing guidance to make efficient use of land, and not to inhibit density. These policy documents resist the rigid application of guidelines and signal a clear recognition that there may be circumstances in which the benefits of not meeting them are justifiable, so long as acceptable levels of amenity are still enjoyed. The proposed Development would provide acceptable levels of amenity to existing receptors who will continue to enjoy acceptable levels of amenity even where reductions in current levels of daylight or sunlight will take place beyond those recommended by BRE guidelines. Together with the environmental, social, and economic contribution the proposed development would make through its proposed form, density and layout, the proposal is acceptable in respect of daylight, sunlight, and overshadowing impacts.

10.4. Privacy and Overlooking

10.4.1. The proposed station building would be set back approximately 35m from the nearest facing habitable window to the east on Russell Road. Russell Road is separated from the site by a railway and community gardens. The separation between the two buildings would prevent any unacceptable views being achieved of the residential units.

10.4.2. The distance between the west (front) elevation of the station building and the nearest facing habitable window on Sinclair Road is approximately 20m. This distance is generally considered appropriate in an urban environment; however, it is accepted that there may be a degree of perceived and actual overlooking that has not previously been experienced by residents. A condition will secure a scheme of obscure glazing to prevent views being achieved of Sinclair Road properties from the upper floors of the station building. Subject to this condition, it is considered that the proposals comply with Policy D3 of the London Plan and Policies HO11 and DC2 of the Local Plan.

11. Highways

11.1. Policy Context

11.1.1. **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.

11.1.2. **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 hotel and leisure uses as well as 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.

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

11.1.4. **Local Plan Policy T2** relates to transport assessments and travel plans and

states “All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network”.

11.1.5. **Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste.

11.2. **Vehicular Access**

11.2.1. The proposal would pedestrianise Olympia Way, closing access for motorised vehicles from 08:00-20:00 daily. The proposal would deliver a high-quality pedestrian environment connecting Olympia London and Kensington Olympia Station and would include cycle parking facilities and a bi-directional cycle lane improving cycle access between Kensington Olympia Station and the proposed Transport for London Cycleway 9 scheme on Hammersmith Road.

11.2.2. Except for vehicular access to Kensington (Olympia) station, delivery and service access, and emergency vehicles, the proposed development will be car-free. An operational note has been submitted which outlines how Olympia Way is intended to operate following completion of the Olympia Masterplan development, when the street will become pedestrianised between 08:00 and 20:00. Vehicular access to Kensington Olympia Station is intended to facilitate drop offs and pick-ups for passengers with additional mobility needs.

11.2.3. It is proposed that vehicle access to Olympia Way will be controlled using Hostile Vehicle Mitigation (HVM) Impact Rated fixed and retractable bollards. For operational resilience, there will be a variety of methods for vehicles to gain permission to access Olympia Way, including Automatic Number Plate Recognition (ANPR), key fob access, and manual override control.

11.2.4. Northbound access from Hammersmith Road will be primarily controlled by an ANPR system linked to Olympia’s computerised booking control system (Voyage Control). Vehicles registered on the Voyage Control system will be recognised by the ANPR cameras, which will enable access by lowering the retractable bollards automatically.

11.2.5. There will also be a short length of two-way road in front of the Kensington (Olympia) Overground Station, that can be accessed by vehicles from Maclise Road through the northern HVM bollard line. A 24hr intercom system will be in place to facilitate access to the pick-up/drop-off area outside of the Kensington (Olympia) Overground Station. This access is to be facilitated to allow for passengers with additional mobility needs to be dropped off/picked up adjacent to the station entrance. Access will be requested through the intercom system; the Olympia Estate team will also have an access key that will allow for the retractable bollards to lower if a vehicle needs access to Olympia Way.

11.2.6. At both access points clear signage will be installed to communicate contact arrangements and telephone numbers for drivers to use in emergency access situations. The telephone numbers will be kept up to date and will connect the driver to the Olympia Estate team, who will be available 24/7. The specific contact details to be included on these signs will be agreed at a later stage. Station staff will be issued with a manual override key for the retractable bollards, providing contingency should out-of-hours access be required.

11.2.7. This proposed arrangement is considered acceptable in principle subject to the below being secured by way of condition:

- Further details of the operational management plan for Olympia Way (as set out in the operational note);
- Wayfinding strategy including details of the wayfinding around Olympia Way and the wider Olympia Masterplan. This should include wayfinding measures for disabled users/visitors to the site;
- Inclusive Access Management Plan to include details of access, wheelchair accessible provision, and facilities to accommodate hearing and sight impairments within all areas of the application site.

11.3. **Surrounding Highway Network**

11.3.1. The key roads forming the highway network in the vicinity of the application site are Olympia Way to the west, Maclise Road to the north and Hammersmith Road to the south.

11.3.2. Olympia Way is a private road that bounds the east of the wider Olympia Estate and is to the west of the Olympia Way North and Olympia Way South sites. Maclise Road provides access to the north of the site. Between Olympia Way and Sinclair Road, Maclise Road is a two-way highway to provide access to the Motorail car park. However, between Sinclair Road and Beaconsfield Terrace Road, Maclise Road is one-way for westbound traffic.

11.3.3. Hammersmith Road routes along the southern border of the Olympia London estate and provides southern access to Olympia Way. Hammersmith Road is a key route forming part of the Strategic Road Network (SRN).

11.4. **Pedestrian Accessibility**

11.4.1. The site is in an area with an established network of footways and pedestrian facilities, including lit footways on Beaconsfield Terrace Road and Maclise Road. The site is bounded to the south by Hammersmith Road, which has established footways on the northern and southern sides. Signalised pedestrian crossings on Hammersmith Road are located at the junction with Edith Road and the junction with North End Road.

11.4.2. It is proposed that Olympia Way will be an 'active travel priority space' that is closed to motorised traffic between 8am – 8pm. Pedestrian access to the site will be provided at both the north-end from Maclise Road and from the south-

end from Hammersmith Road, in addition to the L2 public realm within the Olympia masterplan development. Each pavilion would be accessible to pedestrians from the west, at ground level. Access to the station building would be provided at ground level, on the western side of the building.

11.5. Cycle Accessibility

- 11.5.1. The site benefits from good cycling connectivity. Cycleway 9 (C9), a segregated cycle track running from Hounslow in the west, to Olympia London in the east, is a committed TfL scheme to be constructed running east-west along the northern edge of Hammersmith Road to the south of the Olympia Estate. The cycleway will provide a strategic eastbound and westbound access to the site for cyclists. Cyclists will be able to cycle the entire length of Olympia Way, to access cycle parking or specific elements of the wider development.
- 11.5.2. Olympia Way will be accessible to cyclists, to facilitate access to cycle parking or specific components of the wider development. Eastbound cyclists will turn left off C9 to access Olympia Way and westbound cyclists will access the site by using the right-turning facility on Hammersmith Road, or by crossing at the signalised pedestrian crossing west and turning around in the eastbound cycle lane.

11.6. Public Transport Accessibility

- 11.6.1. Public Transport Accessibility Level (PTAL) is a measure of the accessibility of a point of interest to the public transport network, considering walk access time and service availability. PTAL is categorised in 6 levels, 1 to 6, where 6b represents the highest level of public transport accessibility and 1 the lowest.
- 11.6.2. The TfL WebCAT Planning Tool has been used to calculate the PTAL for the application site. The results show that the site has a PTAL of 5, which is a very good level of public transport accessibility. As well as Kensington Olympia, the site is near Barons Court and West Kensington underground stations. Bus services also operate at multiple stops on Hammersmith Road which facilitate shorter journeys by public transport.
- 11.6.3. Kensington (Olympia) (District Line and London Overground), Barons Court (Piccadilly Line) and West Kensington (District Line) are within a 5, 10 and 12-minute walk of the site, respectively.
- 11.6.4. The closest bus stops to the site are located on Hammersmith Road. During the current construction on the Olympia estate, eastbound buses stop at Stop J on the north side of Hammersmith Road. The pedestrian route to this stop is approximately a 4-minute walk (320 metres). Westbound buses stop at Stop E on the south side of Hammersmith Road. The pedestrian route to this stop is approximately a 3-minute walk (150 metres) and requires crossing at a signalised pedestrian crossing on Hammersmith Road. Stop K (eastbound) and Stop D (westbound) on Hammersmith Road, which are currently suspended, will operate as the closest bus stops to Olympia Way upon project completion and are both less than 75 metres from the site.

11.7. Car Parking

- 11.7.1. The Olympia Way application does not propose the provision of any car parking for any of the proposed uses.
- 11.7.2. The Olympia London estate currently has one car park, the Motorail car park. The car park is located on Maclise Road, at the north of Olympia Way. The capacity of the Motorail surface car park is 220 car parking spaces and has a 4m height restriction. The car park is accessed from Maclise Road, via Sinclair Road and can be accessed from 7am (Monday to Saturday) and from 8am (Sunday) until 10pm. The existing multi storey car park (MSCP) is being redeveloped as part of the wider Olympia Masterplan redevelopment, and as such, will not provide any additional off-street parking.
- 11.7.3. The Olympia Masterplan application includes the provision of a new underground car park to be accessed directly from Hammersmith Road, located under the new logistics centre Central Hall. The new car park will have capacity for up to 181 car parking spaces or 82 large vans (Luton Vans). The car park can be utilised by blue badge holders, exhibition visitors and exhibitors only on a pre-booking arrangement and will not be available to members of the public or any other users of the wider Olympia site such as office workers. It is proposed to have the entrance to the car park manned by staff (traffic marshals) on large scale event days to regulate the movements of vehicles leaving the car park and pedestrian flows across the entrance on Hammersmith Road.
- 11.7.4. The site is located within Controlled Parking Zone (CPZ) 'B'. CPZ E is also located in the vicinity of the site, directly south of Hammersmith Road. Pay and display parking spaces in LBHF can be paid through an online parking system app called RingGo or by buying a ticket at pay and display machines.
- 11.7.5. The Olympia Masterplan and Olympia Way Outline consent legal agreements include obligations for CPZ reviews for zones A, B, BB, E and EE plus financial provision for any consequent mitigation works arising from these reviews. This was secured to mitigate the impact upon parking near the application sites. The obligations have been triggered by the Masterplan consent and initial payments for the reviews have been made. As such, these obligations will not be replicated within the legal agreement pursuant to this application. However, an additional financial contribution of £15,000 has been secured which will go towards funding a review of CPZ C and the implementation of any consequent mitigation.

11.8. Taxis

- 11.8.1. The nearest taxi rank to the proposed development is on Russell Road outside London Olympia Hilton with six spaces operating 24 hours a day. They are approximately a 3-minute (190 metres) walk from the site. Transport for London (TfL) has confirmed the Cycleway 9 design proposals for

Hammersmith Road will include a 25m eastbound taxi rank and 10m westbound rank between North End Road and Earsby Street.

11.8.2. Various obligations have been secured through the Masterplan and Outline consents to encourage visitors and employees to utilise sustainable modes of transport. However, it is accepted that there may be an increased demand for taxis arising from the proposed development and that there is little provision for taxi bays until the completion of the TfL C9 scheme. An additional obligation has been secured which will comprise a financial contribution of £15,000. This funding will be used towards the Council's costs in relation to the design and implementation of temporary taxi bay provision on Hammersmith Road.

11.9. **Cycle Parking**

11.9.1. The cycle parking provision for the Olympia Way application will be in line with the London Plan standards. The cycle facilities will include the provision of showers and lockers to further encourage visitor and staff travel to the site by sustainable modes of transport.

11.9.2. The proposed development would provide a total of 27 short-stay and 48 long-stay cycle parking spaces. Of the total 48 long-stay cycle parking spaces, 5% would accommodate larger cycles in accordance with the London Cycle Design Standards (LCDS) so that accessible bikes can be accommodated for cyclists with different mobility needs.

11.9.3. Long-stay cycle parking spaces for employees will be in a secure bicycle store on the ground floor level of the station building and within the ancillary units that support the pavilions. The cycle storage provided will be 22 two-tier racks (44 spaces) and 2 s-shaped Sheffield stands, which can cater for larger cycles. The cycle store will be accessible from a door on the western side of the station building.

11.9.4. Short-stay cycle parking for visitors will be provided within the public realm on Olympia Way, adjacent to the new pavilions. Full and final details of the short and long stay cycle parking will be secured by way of condition.

11.9.5. The closest TfL Santander Cycle Hire station is situated at Kensington (Olympia) station, which has a capacity for 23 bicycles. This is accessed via the footbridge over the railway line and is a 2-minute (130 metres) walk from the north of Olympia Way. There are two further stations located within a 5-minute (300 metres) walk of the site, on Blythe Road (22 docks) and on Warwick Road (36 docks). A financial contribution towards the improvement of cycle hire stations was secured in the Masterplan consent and paid directly to TfL.

11.10. **Delivery and Servicing**

- 11.10.1. A Framework Delivery and Servicing Plan (DSP) has been submitted with the application. The Framework DSP sets out the proposed delivery, servicing, and waste management strategy for the proposed development. The objectives of the DSP are to minimise the impact of delivery and servicing vehicle movements through planning, sustainable procurement practices, and a reduction in waste generation. The following benefits are targeted through the DSP:
- Reduce the number of deliveries through planning and the scheduling of goods to be delivered outside peak periods and the use of consolidation
 - Encourage the use of sustainable freight modes or greener vehicles
 - The completion of periodical reviews and updates of the DSP
- 11.10.2. The current management of deliveries associated with the exhibition activities include a pre-booking system for goods vehicles, dedicated access gates and a Traffic Management Order (TMO) for the busiest events. An existing goods vehicle pre-booking system known as Voyage Control is currently in use on-site. The current system provides the Facilities Management team at Olympia London with early visibility of the traffic arriving on site and the ability to synchronise their operational activities accordingly
- 11.10.3. The Olympia Way public realm will be closed to motor vehicles (open to pedestrian and cycles only) between 8am – 8pm. Outside of these hours, scheduled delivery and service vehicles will be permitted access to Olympia Way.
- 11.10.4. It is proposed that vehicle access to Olympia Way will be controlled using Hostile Vehicle Mitigation (HVM) Impact Rated fixed and retractable bollards. For operational resilience there will be a variety of methods for vehicles to gain permission to access Olympia Way, ranging across Automatic Number Plate Recognition (ANPR), key fob access and manual override control. For vehicles exiting Olympia Way to the north, the bollards will automatically lower due to the presence of induction loops installed below ground, that will sense the presence of a vehicle approaching the exit bollards.
- 11.10.5. Northbound access from Hammersmith Road will be primarily controlled by an ANPR system linked to Olympia's computerised booking control system, Voyage Control. Vehicles registered on the Voyage Control system will be recognised by the ANPR cameras, which will enable access by lowering the retractable bollards automatically. It is proposed that this is the primary access method for scheduled vehicles, including Network Rail/Transport for London/London Underground/Arriva. An exception protocol will be in place should NR/TfL/LUL/Arriva require immediate access at any time.
- 11.10.6. Intercom facilities will be located at vehicle access points to the north and south of Olympia Way. There will be a short length of two-way road in front of the Kensington (Olympia) station, that can be accessed by vehicles from Maclise Road through the northern HVM bollard line. A 24hr intercom

system will be in place to facilitate taxi access, to the pick-up / drop-off area outside of Kensington (Olympia) station. Access will be requested through the intercom system.

- 11.10.7. At the southern access point from Hammersmith Road, an intercom system will also be in place. The intercom system will also be directly linked to the facilities management team control and this access option will be available to facilitate access for emergency vehicles and NR/TfL/LUL/Arriva.
- 11.10.8. For resilience, the Olympia facilities management team will also have an access key that will allow for the retractable bollards to lower should the need arise. At both access points clear signage will be installed to communicate contact arrangements and telephone numbers for drivers to use in emergency access situations. The telephone numbers will be kept up to date and will connect the driver to the Olympia Estate team, who will be available 24/7.
- 11.10.9. A full delivery and servicing plan will be secured by way of planning condition, with a monitoring fee secured by way of an obligation within the legal agreement. Further details of the access management plan and measures including ANPR CCTV, bollards, intercom/fob system and other relevant measures shall also be secured by way of condition.
- 11.10.10. A managed delivery and servicing strategy is proposed to be implemented, with all vehicle trips occurring within a 6-hour managed period outside of Olympia Way's pedestrianised hours (08:00-20:00). The use of Voyage Control system for vehicles to pre-book slots will be used for deliveries on Olympia Way. A marshalling protocol informed by the events calendar will be in place to ensure that at times of high demand vehicles will be marshalled through Olympia Way to manage the potential for mode conflict and ensure a safe and pleasant environment.
- 11.10.11. Three loading bays will be provided along the West side of Olympia Way. These will be incorporated into the public realm space, which will be for pedestrian use only during the day, when vehicular access is restricted. One loading bay will be located to the north of the Grand Hall staircase and two located south of the National Hall entrance. Each loading bay is designed to accommodate a 10-metre-long rigid vehicles, which is expected to be the largest vehicle, along with refuse vehicles, which will use Olympia Way regularly.
- 11.10.12. It is proposed that delivery and servicing vehicles will access Olympia Way during a managed servicing period of 05:00-08:00 and 20:00-23:00. Access by heavy goods vehicles (HGVs) will be restricted to a servicing period of 07:00-08:00 and 20:00-23:00. Vehicles will access the site from the south and enter the loading bays adjacent to the pavilions (OWS) in forward gear. Details of noise abatement measures shall be secured by way of condition to minimise impacts associated with deliveries occurring during sensitive hours.

11.10.13. The use of cargo bikes as part of the servicing strategy for the Olympia Way development has been considered to increase servicing resilience. Cargo bikes would be permitted to access Olympia Way during the pedestrianised hours (8:00-20:00), with an effective management strategy to ensure safety. This would result in fewer vehicle trips outside of the restricted hours and reduce demand on the vehicle loading bays, along with an increased flexibility to meet anytime daytime delivery needs.

11.11. Trip Generation

11.11.1. The Proposed Development of Olympia Way would be a car free development and development would not provide any car parking, including Blue Badge parking spaces. The site is forecast to generate 12 delivery and servicing vehicles accessing the loading bays daily and 4 vehicles per hour during the managed period for loading on Olympia Way, which is outside the network peak hours. This is expected to have a negligible impact on the surrounding highway network.

11.11.2. The existing site does not generate any trips directly, as existing trips to the station building are generated by the existing Kensington (Olympia) station. It is anticipated that most trips to the site would be by public transport, cycling or walking. London Underground and Overground will be a transport mode for those visitors coming from outer London and for the final leg of journeys for those travelling from outside of London.

11.11.3. The proposed development is expected to generate 87 trips in the AM peak and 75 trips in the PM peak, which is a net increase of 87 trips in the AM peak and 75 trips in the PM peak, compared to the existing baseline of the site which generates no standalone trips.

11.11.4. The growth associated with the proposed development would generate an uplift in trips compared with the site's existing use. However, it is noted that the proposed development would be expected to generate fewer trips than those forecast trip generation for Olympia Way as part of the Olympia Masterplan development approved in 2019, the subsequent MSCP Olympia London Application approved in 2022, and the Olympia Way Reserved Matters Application approved in January 2023.

11.11.5. The net impact compared to the forecast trips consented in the Commercial Units applications has also been assessed, resulting in a reduction of 27 trips in the AM peak and a reduction of 25 trips in the PM peak. A thorough public transport impact assessment has been undertaken, concluding that the impact of the proposed development on the London Underground, Overground, Rail and Bus networks, as well as on the local pedestrian and cycle network, would be acceptable.

11.11.6. A multi-modal trip generation and impact assessment was undertaken for the proposed land uses. It has been assumed within this assessment that 100% of trips relating to the Office land use of the proposed development would be primary trips and 99% of trips relating to the Retail component of

the proposed development would be linked trips. The mode share has been based on the 'Census 2011 Method of Travel to Work' data and the proposed mode share has been amended to account for no expected trips by car, given that Olympia Way will be car-free. The trip rates were calculated using TRICS. all retail land use was assumed as food retail (Class E(b)), as a worst-case scenario. The forecast trip generation for the Retail land use was calculated separately for the station building and the pavilions. It is assumed that 1% of trips generated by the food retail land use will be primary trips and that 99% of trips will be linked trips. This assumes that most visitors to the food retail land use will be attracted by other land uses on Olympia Way or within the wider Olympia Estate.

- 11.11.7. The proposed development is forecasted to generate 14 pedestrian trips in the network AM peak hour and 12 pedestrian trips in the network PM peak hour. As the existing use of the site does not generate any trips linked to this assessment, this also represents the net increase in pedestrian trips generated by the site. This equates to approximately one trip every four minutes in the AM peak hour and one trip every five minutes in the PM peak hour, which would be considered to have a negligible impact on the surrounding footways. The Proposed Development is estimated to generate fewer pedestrian trips than the Olympia Way design in either the approved 2022 MSCP Olympia London application or the 2023 Olympia Way RMA application.
- 11.11.8. Pedestrian connectivity to the site is expected to improve significantly because of the S278 works associated with the Olympia Masterplan development and the proposed Active Travel prioritisation of Olympia Way. Improvements introduced through both schemes are expected to improve the pedestrian environment and accommodate greater footfall associated with the proposed developments
- 11.11.9. The Active Travel prioritisation will be accompanied by significant public realm improvements to be implemented on Olympia Way, including new surfacing, lighting, and street furniture. As such, the overall impact on the surrounding pedestrian network is considered acceptable with sufficient capacity to accommodate the increase in pedestrian trips when compared to the baseline.
- 11.11.10. The proposed development is forecasted to generate 52 bicycle trips throughout the day, including 8 in the network AM peak hour and 7 in the network PM peak hour. As the existing use of the site does not generate any trips linked to this assessment, this also represents the net increase in bicycle trips generated by the site. Cycle infrastructure is expected to be improved in the vicinity of the Site, with the proposed implementation of Transport for London's Cycleway 9 (C9) scheme on Hammersmith Road and delivery of an Advisory Cycle Lane linking Maclise Road to C9 via Blythe Road as part of the Emberton House S278 agreement. In addition, the Olympia Way public realm scheme is also expected to include a contraflow cycle lane facility providing safe, traffic-free access for cyclists to and from Cycleway 9 on Hammersmith Road during the hours of pedestrianisation,

08:00 to 20:00. As such, the overall impact on the surrounding cycling infrastructure is considered acceptable with sufficient capacity for the increase in cycle trips compared to the baseline.

- 11.11.11. The site is located within a 13-minute journey by foot to two London Underground stations (West Kensington and Barons Court) and two London Underground lines (the District Line and the Piccadilly Line). During the AM and PM peak hour, 88 services are provided by TfL on these lines, each with a capacity of between 700 – 1,000 passengers. As a worst-case scenario for this impact assessment, it has been assumed that 100% of mainline rail trips will take place at Kensington (Olympia) station, via Southern Rail.
- 11.11.12. The proposed development is forecast to generate five rail trips in the network AM peak hour (08:00 – 09:00), which equates to a total of 3 northbound trips and 2 southbound trips, with one Southern Rail service per hour in each direction. In the network PM peak hour (17:00 – 18:00), the proposed development is forecast to generate 4 mainline rail trips, which equates to 2 northbound trips and 2 southbound trips, with one northbound service and two southbound services operating. As the existing use of the site does not generate any rail trips directly, these increases also represent the net increase in forecasted trips generated by the Site.
- 11.11.13. The proposed development is forecast to generate 6 London Overground trips in the network AM peak hour (08:00 – 09:00), which equates to a total of 3 northbound trips and 3 southbound trips. In the network PM peak hour (17:00 – 18:00), the proposed development is forecast to generate 5 London Overground trips, which equates to 2 northbound trips and 3 southbound trips. As the existing use of the site does not generate and Overground trips directly, these increases also represent the net increase in forecasted trips generated by the site.
- 11.11.14. In the proposed development, 97 bus trips are expected to be generated by the site across the day, including 15 in the network AM peak hour (08:00 – 09:00) and 13 in the network PM peak hour (17:00 – 18:00). Given the current uses of the Site, this also represents the net increase in forecasted trips generated by the Site. For comparison purposes, the number of bus trips generated by Olympia Way as part of the Commercial Units Scheme was forecast to be 112 across the day, including 20 in the network AM peak hour (08:00 – 09:00) and 17 in the network PM peak hour (17:00 – 18:00). The forecast trips linked to the proposed development represent a net decrease in trips in comparison to the Outline consent.
- 11.11.15. The S106 Agreement for the Olympia Masterplan application includes financial contributions towards station improvement works to Kensington Olympia Station to support the trips using the station. The S106 also includes a financial contribution towards future bus provision / increased bus capacity to support bus passenger demand generated by the site. These obligations are managed by and paid directly to TfL.

11.11.16. The proposed development would be car free, meaning no private vehicle trips are expected to be generated by the site. The site is forecast to generate 10 delivery and servicing vehicles accessing the loading bays daily and two vehicles per hour during the managed period for loading, which is outside the network peak hours. This is expected to have a negligible impact on the local highway network. As such, the overall impact on the surrounding highway network is considered acceptable with minimal impact created by both visitor and deliveries and servicing trips.

11.12. Active Travel

11.12.1. As part of the Healthy Streets Transport Assessment an Active Travel Zones (ATZ) assessment was undertaken. The purpose of the assessment is to evaluate the quality of the walking and cycling routes expected to be most frequented by users of the site. The ATZ assessment included an Active Travel Zone (ATZ) survey of walking and cycling routes to / from the application site, including the routes to: West Kensington station, Kensington (Olympia) station, Barons Court station, Hammersmith Road bus stops and King Street. These routes were assessed and the worst section of each route according to Healthy Streets indicators was identified as part of the assessment.

11.12.2. A number of improvements have been suggested for each route including provided a marked cycle route along Blythe Road which connects to the proposed Cycleway 9 scheme on Hammersmith Road, improving the pedestrian island at the pedestrian crossing from Beaconsfield Terrace Road to Blythe Road so that it can comfortably and safely fit a pedestrian pushing a wheelchair or a pushchair, realigning the dropped kerb on the southern end of Beaconsfield Terrace Road so that it lines up with the pedestrian island.

11.12.3. The Olympia MSCP / Emberton House application secured s278 Highways works improvements that will address some the issues identified in the ATZ assessment. The S278 works include creating a raised and wider pedestrian island on the southern crossing of Blythe Road to enhance pedestrians' safety as large vehicles from the logistics centre exit through this road onto A315 Hammersmith Road, creating a well-indicated pedestrian crossing to ensure pedestrians' safety on Olympia Way/Maclise Road, improving the pedestrian island at the pedestrian crossing from Beaconsfield Terrace Road to Blythe Road so that it can comfortably and safely fit a pedestrian pushing a wheelchair or a pushchair, and realigning the dropped kerb on the southern end of Beaconsfield Terrace Road so that it lines up with the pedestrian island. The S278 works also include providing a marked cycle route along Blythe Road which connects to the proposed Cycleway 9 scheme on Hammersmith Road. The MSCP / Emberton House consent has been implemented and therefore it is not necessary to replicate the s278 works obligation as listed above within the legal agreement for the current Olympia Way application.

11.13. Travel Plan

- 11.13.1. A Framework Travel Plan has been submitted with the application. Travel Plans are a key management tool for implementing the transport solutions highlighted in the Transport Assessment and are one of the primary tools for mitigating the transport impacts of a development. The Travel Plan includes objectives, initiatives and measures aimed at promoting sustainable travel to and minimising vehicle trips to a development.
- 11.13.2. This Travel Plan sets out a framework of the key actions which will be taken forward to achieve the mode share targets which have been set for the development. These will support the Mayoral target to 95% of trips by public transport or active travel by 2041 within Central London. Travel surveys will be carried out to assess the travel patterns of difference user groups within the development. The results of these surveys will be used to assess the efficiency of the TP and determine whether changes should be made.
- 11.13.3. It is proposed for the Framework Travel Plan to be maintained annually to ensure the long-term sustainability of travel to the station building and the pavilions. The Travel Plan would be reviewed and adapted each year to incorporate new or updated initiatives as required. The key targets that will be developed in the Travel Plan include: a target to reduce the number of private car journeys; a target to increase cycling; and a target to increase public transport use. Monitoring would be undertaken from the first year of occupation to understand how the assumed mode share percentages match with those observed.
- 11.13.4. The travel plan and associated monitoring fee will be secured by way of obligations within the legal agreement.

11.14. Event Management

- 11.14.1. An Event Management Plan has been secured by a condition attached to the Masterplan Consent. It controls uses that are within the Masterplan, as opposed to Olympia Way which will not in itself host any events. The requirements of the Event Management Plan. It is therefore not necessary to replicate the EMP condition on the Olympia Way consent. It is, however, accepted that Olympia Way will be a route used by many leaving events hosted at Olympia London. The EMP secures marshalling along Olympia Way and at other strategic locations to direct people towards public transport and away from residential areas. This is in addition to many other mitigation measures to minimise, as far as possible, impacts upon Olympia's residential neighbours.

11.15. Construction Logistics Plan

- 11.15.1. An Outline Construction Logistics Plan (CLP) has been submitted in support of this application. It includes details of demolition and construction traffic routing and site access points, the estimated number of construction vehicles and strategies on how construction of the development will take place with minimal disruption to the surrounding area.

11.15.2. A detailed CLP and associated monitoring shall be secured through a planning condition and obligation. The CLP includes a requirement for regular monitoring of construction activities, and a commitment to undertake regular public consultation / engagement including meetings so residents and stakeholders can feedback on any issues during the construction works.

11.15.3. As part of the approved Olympia Masterplan development, regular public meetings are held where construction updates are provided to residents and residents can provide feedback on the construction progress.

11.16. Summary

11.16.1. Subject to the obligations and conditions discussed in this section of the report, officers are satisfied that there would be no additional harm to the safe operation of the highway. Active travel routes would be improved to enhance pedestrian and cyclist safety, and adequate provision would be made on site for cycle parking. As such, the proposal complies with the relevant London Plan and Local Plan policies.

12. Accessibility

12.1. **Policy S3 of the London Plan** 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 Policy D5** seeks to ensure developments achieve the highest standards of accessible inclusive design.

12.2. **Policy DC2 of the Local Plan** states that new build development must be designed to respect the principles of accessible and inclusive design.

12.3. Olympia Way will create a new public realm with step free access from this area to the adjacent Olympia masterplan development with the new Level 2 public realm area. The area has been designed to minimise obstructions through the siting of street furniture and cycle parking outside of primary circulation routes. Olympia Way will have continuous pavement at one level and the approach and entrance to the pavilions will be step free.

12.4. The station building will introduce fully accessible passenger toilet facilities, and their delivery and retention will be secured by way of condition. The station building itself will be step-free and feature clear and legible signage.

12.5. It is therefore considered that the proposal will provide a high-quality environment for all members of the community and the commitments within the Design and Access Statement are positive and deliverable by way of conditions. As such the proposal will comply with Local Plan Policies DC1 and DC2 as well as Policies S3 and D5 of the London Plan.

Step Free Access – Kensington Olympia Station

- 12.6. Kensington Olympia Station itself does not form part of the application site, except for the operational floor space to be re-provided by Phase 2. A financial contribution of £2.5m was secured in the Masterplan consent for station improvements. This contribution was paid directly and administered by Transport for London. The contribution was secured to help mitigate the impact of increased usage of the station and will fund improvements to the gate line and platforms.
- 12.7. It is accepted that access between platforms at Kensington Olympia Station is poor. The station can be entered via a gate line at either Olympia Way or Russell Road. Passengers arriving at the station via a southbound London Overground or Southern service must cross a footbridge via two sets of stairs to access Olympia Way. There are no lifts available at the station. District Line services terminate at Kensington Olympia Station and therefore passengers arriving from Olympia Way have step free access to those services. Northbound London Overground and Southern services also can be accessed step free from Olympia Way.
- 12.8. If a passenger originating from Olympia Way were to require access to a southbound service, and they were unable to use stairs, they would be required to access the station instead via Russell Road. This route is 0.4 miles long. Alternatively, a passenger could board a northbound service to Shepherds Bush which does benefit from step free route to transfer between platforms. They would then board the southbound service and continue their journey. It is accepted that this is a very poor arrangement, and officers would welcome the addition of lifts to Kensington Olympia Station. However, the decision to secure funding and delivery of lifts at the station would be made by Transport for London and is not within the gift of LBHF as a local authority.

13.Noise

- 13.1. **Policy CC11 (Noise)** states that Noise (including vibration) impacts of development will be controlled by locating development in the most appropriate locations and protect against existing and proposed sources of noise and vibration through careful design, layout and use of materials, and by ensuring adequate insulation of the building envelope and internal walls, floors and ceilings as well as protecting external amenity areas.
- 13.2. A noise and vibration assessment and acoustic study has been submitted. The noise and vibration survey assesses the impact that trains will have on the proposed kiosks on Olympia Way and the potential impact that the scheme may have on surrounding residential properties.
- 13.3. A noise impact assessment has been submitted which presents the results of noise surveys undertaken and describes the approach to the assessment of potential noise impacts and effects from the various sources of noise associated with the Proposed Development at the nearest receptor locations. The report goes on to identify any necessary mitigation that would be

necessary to ensure compliance with the relevant policies and guidance.

- 13.4. The proposed external digital screen is described within the NIA as having 'highly directional loudspeakers focussed on an audience zone in front of the screen'. The screen and associated speakers would face away from the nearest sensitive receptors, residential properties on Russell Road. Condition 18 will require that noise generated by any use within the development, including the external screen, shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Condition 21 requires that no amplified noise from the external screen be audible from the nearest residential premises. It further restricts amplified noise to between the hours of 0800 – 2000 only. The proposed substation, serving the Station Building will be similarly controlled by Condition 18.
- 13.5. Compliance with the noise impact assessment will be secured by way of condition. A further condition will secure a strategy to mitigate potential noise impacts arising from overnight deliveries, as part of the Delivery and Servicing Management Plan (DSMP).

14. Environmental Considerations

14.1. Sustainability and Energy

- 14.1.1. **London Plan Policies SI 2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure) and SI 4 (Managing heat risk)** require 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 seek to connect to decentralised energy networks where available or design their site so it is futureproofed and capable of connecting if one develops in this area in the future.
- 14.1.2. **Policies SI 2 and SI 3** set out how new development should be sustainable and energy saving. **Policy SI 2** of the London Plan sets out achieve a minimum 35% on-site reduction in CO₂ emissions over Approved Document Part L (AD L) 2021, for all major developments and achieve net zero carbon emissions and, where this cannot be achieved on site, a commitment to offset any shortfall in achieving net zero carbon through a carbon offset payment. 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
 - c) with heat pump, if required)
 - d) Use low-emission combined heat and power (CHP) (only where there
 - e) is a case for CHP to enable the delivery of an area-wide heat network,
 - f) meet the development's electricity demand and provide demand
 - g) response to the local electricity network)
 - h) Use ultra-low NO_x gas boilers.

- 14.1.3. **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.
- 14.1.4. **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. **Local Plan Policy CC2 (Sustainable Design and Construction)** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies
- 14.1.5. An energy strategy has been submitted that assesses the station building only. This approach is acceptable given the nature and small size of the pavilions. The energy strategy follows the mayor's energy hierarchy, demonstrating how carbon efficiencies would be achieved through be lean, be clean and be green.
- 14.1.6. Be lean – this tier of the hierarchy requires developments to reduce energy consumption through demand reduction. Passive design measures have been incorporated in the development of the station building to reduce energy use and thus reduce demand. Measures include treating glazing to reduce solar gain whilst also allowing for ample natural light to reduce reliance on artificial lighting. The building fabric has been optimised to achieve high thermal performance and the building will benefit from a mechanical ventilation and heat recovery (MVHR) system.
- 14.1.7. Be clean – London Plan Policy SI 3 requires major developments to connect to a local heat network where one is available. Opportunities to connect to a district heating network have been explored, including potential for connecting to the Olympia Energy Centre. However, the Olympia Energy Centre would not have the capacity to meet the demands of the Olympia Way development and thus a connection would not be feasible. The Olympia Energy Centre comprises a gas-engine Combined Heat and Power (CHP) system, which was the primary technology for facilitating on-site energy generation at the time of its design. As noted in the GLA's Energy Assessment Guidance document (2022), electrical power systems such as air source heat pumps (ASHP) are now the preferred solution owing to their reduced impact on air quality. An air source heat pump system is proposed to serve the station building which is considered preferable to connecting to the existing local heat network in this instance.
- 14.1.8. Be green – this tier of the hierarchy requires developments to maximise opportunities for renewable energy. The energy strategy confirms that a feasibility study was undertaken to establish the most appropriate local low and zero carbon technologies that could be utilised in this development. Air source

heat pumps (ASHP) were identified as the most feasible option, along with photovoltaic (PV) panels. The development was amended at the request of officers to maximise the number of photovoltaic panels and further reduce the carbon emissions generated by the station building.

14.1.9. The proposed measures, as set out in the energy strategy, would result in a 45% reduction in carbon emissions against the Building Regulations Part L baseline. This exceeds the 35% reduction required by Policy SI 2 of the London Plan which is welcomed.

14.1.10. Accordingly, the energy statement shows that carbon emissions would be minimised as much as possible on site and that the shortfall to achieve net zero carbon development would be made up by a payment-in-lieu contribution of £21,443. This is in line with London Plan Policy SI 2, Local Plan Policy CC1, and section 14 of the NPPF. Additionally, the proposal has demonstrated compliance with Policies SI 3 and SI 4 of the London Plan and Policy CC2 of the Local Plan.

14.2. Air Quality

14.2.1. **NPPF Paragraph 124** relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

14.2.2. **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.

14.2.3. **Local Plan Policy CC10 (Air Quality)** states that the council will seek to reduce the potential adverse air quality impacts of new developments by requiring all major developments to provide an air quality assessment, mitigation measures to be implemented to reduce emissions, reduce exposure to acceptable levels and be 'air quality neutral'.

14.2.4. The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality primarily due to the road traffic emissions from Hammersmith Road (A315). This location is in the 98th national percentile of the most polluted UK addresses. The development proposal will introduce new sensitive receptors into an area of existing poor air quality. It is therefore necessary to secure a robust scheme of mitigation to avoid further harm to air quality locally.

14.2.5. An air quality dust management plan (AQDMP) will be secured by condition to ensure that suitable mitigation measures are implemented during the demolition and construction phases. An AQDMP monitoring fee of £5,000 per annum will be secured for the demolition and construction phases of the

development. Supplementary measures include the requirement for 2.5m hoardings to be erected prior to the commencement of works on site.

- 14.2.6. Further conditions are secured in relation to the operational phase of the development. This is both to protect new on-site receptors and existing residents by mitigating against further harm to local air quality. This is to include the submission of a ventilation strategy and ultra-low emissions strategy.
- 14.2.7. Subject to the inclusion of the suite of conditions requiring various mitigation measures, officers consider that the Proposed Development can accord with Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

14.3. Land Contamination

- 14.3.1. **NPPF Paragraph 183** states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.
- 14.3.2. **Local Plan Policy CC9** requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused 'unless practicable and effective measures are to be taken to treat, contain or control any contamination'. Any permission will require that any agreed measures with the council to assess and abate risks to human health or the wider environment are carried out as the first step of the development.
- 14.3.3. **Key principles LC1-6 of the Planning Guidance SPG** identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.
- 14.3.4. Officers consider that potentially contaminative land uses (past or present) are understood to occur at, or near to, this site; or a sensitive use is proposed. Conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies CC9 and CC13 of the Local Plan.
- 14.3.5. No objection is raised by the Council's Contaminated Land Officers to the proposed development or land uses subject to attaching the standard contaminated land conditions relating to investigation and remediation works. Subject to the inclusion of the conditions, officers consider that the proposed development accords with Policy CC9 of the Local Plan.

14.4. Ecology and Biodiversity

- 14.4.1. **Local Plan Policies OS1 and OS5** seeks to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.
- 14.4.2. **Policy G5 of the London Plan** states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 14.4.3. The statutory requirement for biodiversity net gain comes from Schedule 7A of the Town and Country Planning Act 1990, inserted by Schedule 14 of the Environment Act 2021 and enacted by The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024. Through this, unless exempt through the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all developments are required to deliver a minimum 10 % net gain for biodiversity as a condition of planning approval.
- 14.4.4. The application has been supported by a Biodiversity Net Gain Appraisal which has been prepared using Defra's Statutory Biodiversity Metric. The appraisal establishes the ecological value of the baseline habitats and then assigns a strategic significance to each habitat parcel. The existing habitats are assessed as being of low ecological value and the presence of invasive species is noted. The assessment goes on to set out an enhancement strategy whereby a landscaping plan is presented, split into three distinct zones:
- Garden: at its widest adjacent to Hammersmith Road, Olympia Way provides a generous space and an opportunity for extensive tree, shrub and herbaceous planting;
 - Square: adjacent to the garden, planters containing herbaceous and perennial planting and trees continue the landscaping and provide connection to the first pavilion whilst hard standing facilitates access to the railway for maintenance;
 - Crescent and Alcoves: landscaping takes the form of street trees along Olympia Way with a series of planting beds located in between the pavilions that incorporate shade and drought tolerant planting;
- 14.4.5. The landscaping scheme will see the planting of 18 new trees and the provision of ground level planters with herbaceous plants and shrubs. A green roof to the station building would provide a further area of habitat.
- 14.4.6. The scheme, as proposed within the BNG Appraisal and supporting plans, would result in a BNG of 938%, far exceeding the statutory minimum of 10%.

14.4.7. A BNG Biodiversity Gain Plan and BNG Habitat Management and Monitoring Plan will be secured by way of condition to ensure the delivery of the identified habitats. A monitoring fee of £5k per monitoring year will be secured within the legal agreement. The monitoring fee will be payable on years 1, 3, 5, 10, 20 and 30 post completion of the development. Monitoring reports will be required to be submitted for each monitoring year.

14.4.8. Subject to the above listed conditions and obligations, it is considered that the scheme would deliver a much-enhanced scheme of biodiverse habitats across the Olympia Way development. This complies with the statutory BNG requirements and the aims of Policies OS1 and OS5 of the Local Plan and Policy G5 of the London Plan.

14.5. **Flood Risk and Drainage**

14.5.1. **The NPPF** seeks to meet the challenge of climate change, flooding, and coastal change by supporting the transition to a low carbon future in a changing climate taking account of flood risk and coastal change.

14.5.2. **London Plan 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 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.

14.5.3. The northern part of the site is in the Environment Agency's Flood Zone 3. Most of the remainder of the site is in Flood Zone 2 although part of the southern end is also in Flood Zone 1.

14.5.4. As required, a Flood Risk Assessment (FRA) has been provided with the application. This FRA supplements a previous FRA submitted with the outline application 2018/03102/OUT for Olympia Way. The pavilion and station office building uses are less vulnerable in terms of flood risk and are well protected by flood defences along the River Thames. In the unlikely event of these being breached, the site would not be impacted by flood water. Surface water run-off will be managed mainly through the already installed attenuation tank which is located under Olympia Way. Run-off will be directed here and then discharged to the public sewer at a reduced and controlled rate of 5 l/s as previously agreed for the outline consent application. This tank was sized to accommodate run-off from the areas covered by this application so has capacity to manage this site's run-off. There are also some areas of soft landscaping proposed. Use of permeable paving has been considered but the groundwater characteristics for the site mean that there is elevated risk of groundwater flooding as there is a relatively high-water table in this location.

Extensive use of permeable/infiltration techniques is therefore not considered to be feasible.

14.5.5. The approach to assessing flood risk at the site and the mitigation measures proposed are considered acceptable. A condition will secure compliance with the FRA and the implementation of the mitigation measures contained therein. The proposal is therefore in accordance with Policy CC3 and CC4 of the Local Plan and Policies SI 12 and SI 13 of the London Plan.

14.6. **Circular Economy Statement and Whole Life-Cycle Carbon Assessment**

14.6.1. London Plan Policies SI 2 and SI 7 require the submission of a Circular Economy Statement and Whole Life-Cycle Carbon Assessment for applications that are referable to the mayor.

14.6.2. This application is not referable to the mayor when considered in isolation. As such, a Circular Economy Statement and Whole Life-Cycle Carbon Assessment are not strictly required but have nevertheless been prepared by the applicant.

14.6.3. The Circular Economy Statement demonstrates the measures in place to incorporate Circular Economy principles within the design, construction, and use of the buildings. The Whole Life-Cycle Carbon Assessment does identify that the scheme performs poorly against this metric. However, that is owing to the non-standard nature of the development whereby it comprises a large area of public realm. The relevant metric is measured per square metre of GIA (WLC/m²) and therefore external areas of public realm are excluded from the calculation, but the associated building materials are not. Nevertheless, it is clear from the submitted report that opportunities to minimise the environmental impact of the development have been identified and implemented within the design where feasible. This includes using modern methods of construction and the use of modular units that can be repurposed at other sites.

15. **Waste and Recycling**

15.1. **Local Plan Policies CC6 (Strategic Waste Management) and CC7 (On-site Waste Management)** set out the Council's intention to pursue the sustainable management of waste and requires all new developments to 'include suitable facilities for the management of waste generated by the development, including the collection and storage of separated waste and where feasible on-site energy recovery'.

15.2. An operational waste management strategy has been submitted as part of the application, with further details of refuse storage being provided within the delivery and servicing plan. A refuse and recycling management plan has also been submitted.

15.3. Dedicated refuse stores are to be provided for both the station building and the pavilions. Collections would be made every other day, outside of

pedestrianised hours, and be managed by the Olympia facilities management team. Separate bins will be provided for general waste, recycling and food waste and provision would be made fully within the site boundaries.

- 15.4. Regular surveys will be undertaken by facilities management once the units are occupied which will allow for opportunities to increase recycling to be identified and implemented.
- 15.5. Compliance with the Operational Waste Management Strategy and the Refuse and Recycling Management Plan will be secured by way of condition. The delivery of the dedicated refuse stores prior to first occupation of the development will also be secured by way of condition.
- 15.6. Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above, officers consider that the Proposed Development accords with Policies CC6 and CC7 of the Local Plan 2018.

16. Fire Safety

- 16.1. With the introduction of **Policy D12 in the London Plan** and updates to Planning Practice Guidance in relation to fire safety, the applicant has prepared a Fire Safety Statement prepared 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 buildings.
- 16.2. **London Plan 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 buildings.
- 16.3. The station building will have a total floor space of more than 1,000sqm, it is therefore considered a Major Development. Hence, it is required to submit a Fire Statement document in line with the London Plan Policy D12(B). The application has been accompanied by a fire statement prepared by OFR Consultants. The proposal does not include any residential units and does not meet any of the threshold criteria for a referral to HSE Planning Gateway One.
- 16.4. The Fire Statement outlines:
 - Design approach and methodology to assessing fire risk
 - Building construction and how this would comply with relevant parts of the Building Regs
 - Passive and active fire safety systems

- Means of escape, including for mobility impaired people (MIP)
 - Facilities and access for the fire brigade.
 - Fire safety management.
- 16.5. Policy D12 lists the details that must be provided within a fire statement. As set out in the previous paragraph, details of each matter have been provided within the submitted fire statement.
- 16.6. Accordingly, it is considered that the proposal accords with the London Plan and Policy D12 of the Local Plan in respect of safety and resilience to emergencies.
- 16.7. The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted. Officers are satisfied that the submitted Fire Statement provides sufficient information for planning stage and recommend that a condition is imposed to ensure that the strategy is implemented, and the development is carried out in accordance with this document.
- 16.8. Subject to the inclusion of a condition requiring an updated Fire Strategy officers consider that the Proposed Development accords with the London Plan and Policy D12 of the Local Plan in respect of safety and resilience to emergencies

17. Designing out Crime

- 17.1. **Local Plan Policy DC2** requires developments to be designed in line with the principles of Secured by Design.
- 17.2. **London Plan Policy GG6** states those involved in planning and development must create a safe and secure environment which is resilient the impact of emergencies including fire and terrorism.
- 17.3. Meetings and discussions have taken place between the applicant, the Counter Terrorism Security Advisors and the Met Police Designing Out Crime Officer. These meetings have also been attended by officers and the Olympia development team. The overall security strategy and design intent has been agreed and accepted in principle and the next stage of the process is to continue dialogue with the applicant and the business, and design and agree the detail of measures to be incorporated within the development. Planning conditions regarding secure by design criteria, hostile vehicle mitigation and other resilience measures are included.
- 17.4. Subject to the inclusion of the conditions, officers consider that the Proposed Development accords with the London Plan and Policy D12 of the Local Plan in respect of safety and resilience to emergencies.

18. Community Infrastructure Levy and Planning Obligations

- 18.1. **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’.

- 18.2. Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) states: ‘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 the Council will charge CIL on developments in accordance with the CIL Regulations (as amended) and the LBHF CIL Charging Schedule. The Council will spend CIL on:
- infrastructure in accordance with the H&F Regulation 123 (R123) List;
 - projects identified for ‘Neighbourhood CIL’; and
 - CIL administration expenses (no more than the statutory cap).
- 18.3. The following Heads of Terms are proposed and are agreed with the applicant to further mitigate the impacts of the development.

Highways

Additional Obligations (not previously secured in Masterplan or Outline)

- Contribution of £15,000 towards design and provision of temporary taxi bays on Hammersmith Road pending delivery of the permanent arrangement.
- Contribution of £15,000 towards a review of CPZ ‘C’ and implementation of any consequent mitigation works arising from this review. Funding for reviews of CPZ zones A, B, BB, E and EE along with funding for mitigation was secured in the Masterplan and Outline legal agreements. The developer has paid the review contribution and as such it is not necessary to duplicate this obligation within the current application’s legal agreement.
- Construction Logistics Plan monitoring fee (amount tbc)

Obligations to be replicated (secured within the Outline legal agreement)

- Area wide traffic management review (£150,000 for local roads and £200,000 plus financial provision for any consequent mitigation works arising from these reviews).
- No business parking permits
- Travel plan monitoring fee for construction works TP and commercial occupier TP

Environmental

- Carbon Offsetting - £21,443
- Biodiversity Net Gain (BNG) Monitoring - £5,000 per monitoring year (years 1, 3, 5, 10, 20 and 30 post completion)
- Air Quality & Dust Management Plan (AQDMP) Monitoring - £5,000 per annum throughout the demolition and construction phases

Socio-economic

- Affordable Workspace - comprising 5% of the overall eligible Class E office floorspace of both applications ref. 2021/04166/VAR (Olympia Masterplan) and 2024/01937/FUL (Olympia Way) OR 2018/03102/OUT should the Olympia Way outline consent instead be implemented. This is to be provided within the Olympia Way development. Should neither Olympia Way consents come forward prior to the first occupation of relevant office floorspace within the Masterplan, then the affordable workspace shall be provided within the Masterplan site.
 - Community Benefits Strategy, as previously secured within the Masterplan and Outline legal agreements (and as amended by ref. 2020/01048/VAR).
 - Local procurement, employment, skills and training obligations, including financial obligations are to be replicated within this legal agreement in line with those secured under the Outline consent.
- 18.4. Whilst some key obligations secured within the outline legal agreement are set out above, this list is not exhaustive. All other relevant obligations that were secured within the s106 agreement pursuant to 2018/03102/OUT shall be replicated unless they have otherwise been satisfied and/or discharged (e.g. financial obligations on which full payment has been made).
- 18.5. Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL, the scheme would be liable for a CIL payment. Any contribution due would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1.
- 18.6. The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st of September 2015.

18.7. The application site is within CIL charging zone 'Central B'. Offices do not attract a charge under the adopted CIL Charging Schedule. The pavilions would be liable at a rate of £80 per square meter.

19. Conclusions & Recommendations

19.1. 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.

19.2. In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. It is considered that the proposal is acceptable in land use and design terms. The quantum of the proposed land uses and the resulting nature of the site does not give rise to any unacceptable impacts and will amount to sustainable development in accordance with the National Planning Policy Framework.

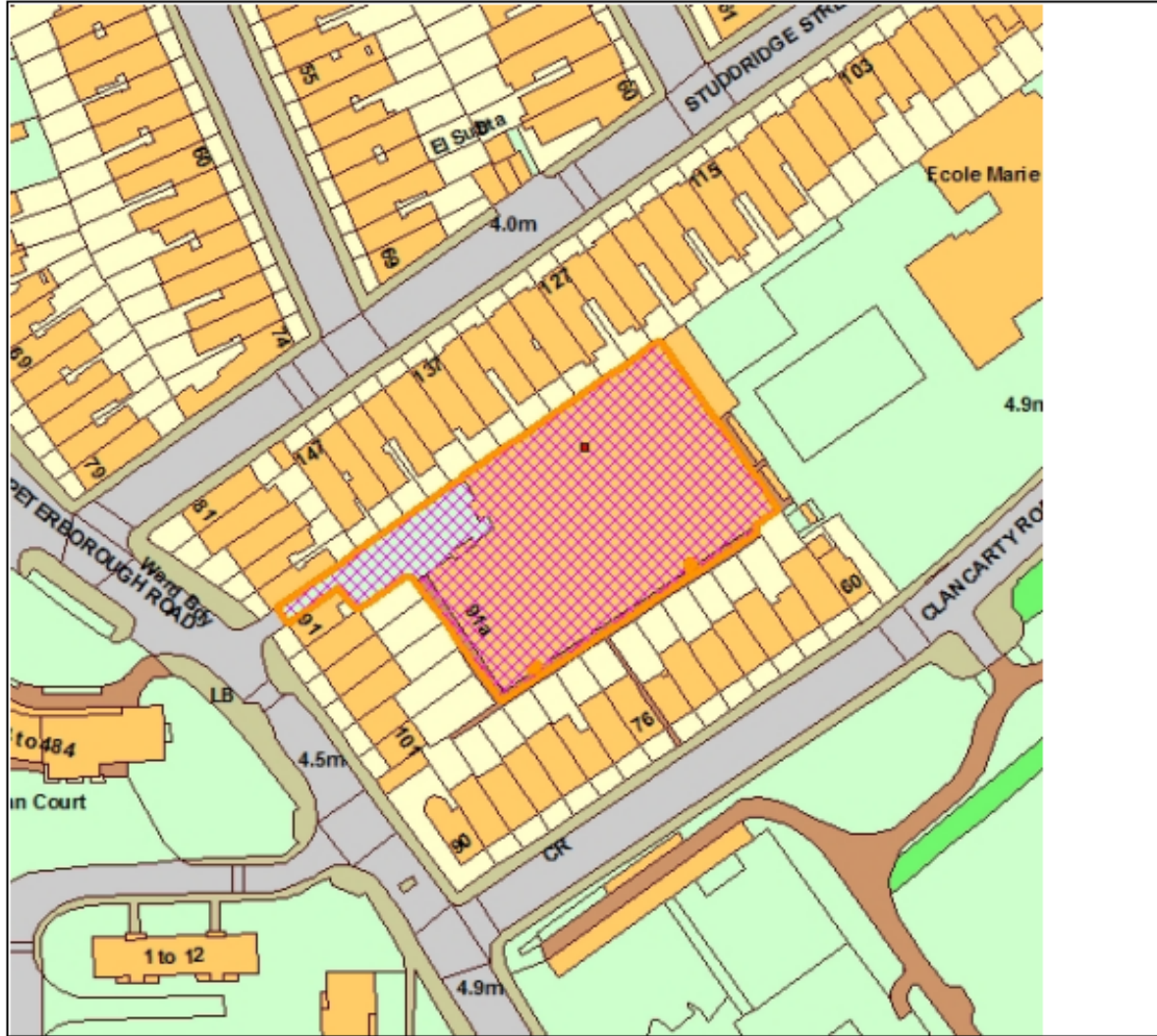
19.3. Accordingly, officers support the proposed development in line with the recommendations at the start of this report.

Agenda Item 5

Ward: Parsons Green and Sandford

Site Address:

The Matrix Studios Complex 91A Peterborough Road London SW6 3BU



Reg. No:
2024/02343/VAR

Date valid:
26.09.2024

Committee Date:
11.02.2025

Case Officer:
Ronny Ferley

Conservation Area:
Hurlingham CA - No.4
Studdridge Street CA - No.7

Applicant:

Mr Duncan Thomson
Matrix Masion Rouge Ltd.
The Matrix Studios Complex
91A Peterborough Road
London
SW6 3BU

Description:

Variation of Condition 2 (Approved Plans) of planning permission Ref No. 2023/00291/FUL granted 28th June 2023 for the 'Erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes' amendments sought include:

- Increasing the size of the ground floor extension and alterations to southwestern (front) elevation to include installation of single set of French doors;
- Alterations to northwestern elevation to include infilling of part of courtyard;
- Installation of a new window, omission of selected rooflights and new zinc roofing above the roof of ground floor extension;
- Alterations to the first-floor extension to include reducing the size of the first floor level;
- Alterations to the design of the rooflights above the roof of first floor extension and associated external alterations.

Application type:

Section 73 Minor-Material Amendment Application

Officer Recommendation:

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

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

Conditions:

1) Amended Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the original planning permission, consent No.2023/00291/FUL dated 28 June 2023.

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

2) Approved Plans

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

APL004 Rev A;
APL005 Rev A;
APL006 Rev A;
APL007 Rev A;
APL008 Rev A;
APL009 Rev A;
APL010 Rev A;
Flood Risk Assessment.

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

3) Materials

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

To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

4) Restricted Use of Flat Roof

No part of the roof atop of the single storey extension shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

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

5) Flood Risk Assessment

Prior to commencement of development hereby permitted, a revised Sustainable Drainage Strategy (SuDS), which details of the proposed SuDS measures such as the green roof, green wall, permeable paving and permeable reinforced grass system along with maintenance information for each feature, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the green wall, which should aim to use rainwater collected and re-used on site for at-least part of the irrigation requirements. Information on the discharge rate of any surface water being directed in the combined sewer system should also be provided to demonstrate that discharges have been attenuated as much as possible.

The Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy S113 of the London Plan (2021) and Policy CC3 of the Local Plan (2018).

Justification for approving application:

1. Land Use: The proposed scheme would maintain the site in its existing employment use and enhance the facilities for the end-users. This is beneficial to further boost the capacity of the site for continued employment use, making it more attractive to businesses in the creative industries which form the majority of the current site's use. This is in line with the NPPF and London Plan objectives which encourage the intensification and co-location of light industries to improve land use efficiency and support the Council's strategy for employment land capacity. Therefore, the proposed development would comply with Policy E2 of the London Plan (2021) and Policies E1, E2 and CF3 of the Local Plan (2018).

2. Design, Character and Heritage: The proposed development proposes minor alterations to a previously approved scheme to extend and alter the design and appearance of the host building. The alterations are considered to represent a high-quality of design and would not result in any harm to the character, appearance or setting of any heritage assets, particularly the Hurlingham Conservation Area. As such, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

3. Residential Amenity: The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook and privacy. In these respects, the proposed scheme complies with the NPPF (2024), Policies DC1, DC4, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

That the applicant be informed as follows:

1. Potentially contaminative land uses (past or present) have been identified at, and/ or, near to this site. The applicant is advised to contact the Council should any unexpected materials or malodours be encountered during excavations.

2. The applicant should ensure that any soakaway system proposed for the site must be designed and constructed to comply with Building Regulation requirements in relation to drainage, with reference to Section 3 on Surface Water Drainage of Approved Document H. In particular, soakaways should not be located within 5 metres of a building or road. Approved Document H can be found online here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442889/BR_PDF_AD_H_2015.pdf

3. If the alterations include integration of new water using fixtures/fittings, then these should be water efficient ones to comply with the requirements of Local Plan Policies CC3 and CC4 (2018).

4. The applicant is advised that a simple Sustainable Urban Drainage System (SuDs) within the rear garden of the application property could contribute to minimising surface water run-off, which would further reduce the application site's flood risk. This could take the form of a water butt installed within the rear garden.

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

All Background Papers held by case officer named above:

Application form received: 18th September 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)
LBHF - 'Climate Change' Supplementary Planning Document
(2023)

Consultation Comments:

Comments from:

None

Dated:

Neighbour Comments:

Letters from:

| | Dated: |
|----------------------------------|---------------|
| 78 Clancarty Road London SW6 | 02.10.2024 |
| 72 Clancarty Road London SW6 | 09.10.2024 |
| 147 Studdridge Street London SW6 | 27.10.2024 |
| 145 Studdridge Street London SW6 | 28.10.2024 |
| 143 Studdridge Street London SW6 | 29.10.2024 |
| 145 Studdridge Street London SW6 | 30.10.2024 |
| 143 Studdridge Street London SW6 | 22.11.2024 |
| 143 Studdridge Street London SW6 | 22.11.2024 |
| 10 Quarrendon Street London SW6 | 22.11.2024 |
| 106 Hurlingham Road London SW6 | 22.11.2024 |
| 15 Quarrendon Street London SW6 | 22.11.2024 |
| 22 Quarrendon Street London SW6 | 22.11.2024 |
| 304 Wandsworth Bridge Road SW6 | 22.11.2024 |
| 34 Quarrendon Street London SW6 | 22.11.2024 |
| 43 Quarrendon Street London SW6 | 22.11.2024 |
| 48 Bradbourne Steet London SW6 | 22.11.2024 |

| | |
|----------------------------------|------------|
| 5 Quarrendon Street London SW6 | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| 4 Quarrendon Street London SW6 | 25.11.2024 |
| 147 Studdridge Street London SW6 | 28.11.2024 |
| 147 Studdridge Street London SW6 | 28.11.2024 |

1. SITE DESCRIPTION AND HISTORY

- 1.1 The application site consists of the Matrix Studios complex, a large industrial type building (some 3,430sqm) comprising over 50 existing business within the creative industries sector. The main use on-site is as a premier recording studio and other uses include digital media production, physical and e-publishing agencies and artists' management teams.
- 1.2 The site is in a backland location that is surrounded by the rear of two and three storey terraced residential properties to the east along Peterborough Road, to the south on Studdridge Street and to the north facing Clancarty Road. Immediately to the east and southeast, is the Marie D'Orliac Fulham Bilingual School campus which includes No.60 Clancarty Road, the former Peterborough school keeper's cottage (Grade II Listed Building).
- 1.3 The site falls within the Hurlingham Conservation Area and shares its northern boundary with the southern extent of the Studdridge Street Conservation Area. The area has a Public Transport Accessibility Level 3 with average access to public transport links and it is part of a Controlled Parking Zone (Zone Q). It also falls within Flood Risk Zone 2 and 3 area with medium to high residual risk of flooding and forms part of a noise nuisance zone.

Planning History

- 1.4 In February 2024, the applicants withdrew a full planning application (Ref 2023/03312/FUL) for the erection of an additional floor level at roof level to create 957.46 sqm of new Class E(g)(1) floorspace; installation of new solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.

- 1.5 In 2023 planning permission (Ref: 2023/00291/FUL) was granted for the erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes. This permission has not been implemented.
- 1.6 In 2018 prior approval (Ref: 2018/00106/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into residential use (Class C3) comprising of 1no. two bedroom and 4no. three-bedroom self-contained maisonettes. This permission has not been implemented.
- 1.7 In 2015 prior approval (Ref: 2015/00681/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into 1no. two bedroom and 4no. three-bedroom self-contained maisonettes (Class C3). This permission has not been implemented.
- 1.8 In 1999 planning permission (Ref: 1999/01067/FUL) was granted for the removal of Condition 02 of planning permission (F/641/77) dated 18th May 1978 to allow the use of the premises for Class B1 purposes, together with the installation of windows at ground floor level and rooflights. This permission has been implemented.
- 1.9 In 1998 planning permission (Ref: 1997/02291/FUL) was refused for the change of use to a health club, including the provision within the building of 24 car parking spaces on the following grounds: loss of an employment site that is suitable for continued employment use and makes a valuable contribution to the range of employment in the Borough; an over provision of on-site car parking that would result in increased traffic generation and an unneighbourly impact to noise and disturbance, generated by additional vehicles and persons visiting. and at the weekends
- 1.10 In 1988 planning permission (Ref: 1987/02193/FUL) was granted for the installation of three condenser units to roof of existing building together with extension to cowl on ducting.
- 1.11 In 1987 planning permission (Ref: 1987/00478/FUL) was granted for the installation of condenser unit on roof at first floor level.
- 1.12 In 1981 planning permission (Ref: 1981/01181/FUL) was granted for the installation of boiler flue to north-west elevation.
- 1.13 In 1981 planning permission (Ref: 1981/00043/FUL) was refused for the retention of flue from boiler house due to its siting and design which result in a dominant and obtrusive structure which harms the surrounding visual amenities.

- 1.14 In 1979 planning permission (Ref: 1979/01654/FUL) was granted for the installation of new flue from adhesive spray booth on first floor.

Concurrent Pending Application

- 1.15 There is concurrent application (Ref 2024/02395/FUL) for the erection of an additional floor level at roof level to create 759 sqm of new Class E(g)(i) floorspace; installation of new solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.
- 1.16 This concurrent application (Ref: 2024/02395/FUL) involves the erection of an additional floor and various alterations whereas this application (Ref 2024/02343/VAR) only involves minor variations to the drawings previously approved and secured by condition.

Current Proposals

- 1.17 This applications seeks to vary the approved drawings (Condition 2) of the original 2023 permission (2023/00291/FUL) for the erection of ground and first floor extensions and alterations to external facades to allow amendments which include: increasing the footprint of the ground floor reception area (by approx. 3sqm) and reducing the footprint of the at first floor (by approx. 10sqm); the installation and omission of various doors and windows and a new zinc roof above the ground floor extension; alterations at first floor extension to reduce the size of the first floor footprint, the design of the rooflights and associated external alterations..

2. PUBLICITY AND CONSULTATION

Application Consultation

- 2.1 The application has been publicised by way of site and press notices. Individual notification letters were sent to the occupiers of 165 neighbouring properties. In response, objections were received from 21 properties. The grounds of objection can be summarised as follows:

- No demand for use (i.e. music recording, as it is all digital now)
- Intensification of commercial use
- Overdevelopment, inappropriate backland development
- Design out of keeping with scale, architecture and residential character
- Green roofs out of context
- Visibility harms Conservation Areas, important views and vistas
- Submitted drawings misleading and do not show the affected properties

- Unethical development sets unwanted precedent
- Overbearing/enclosure, loss of light, overlooking, light pollution and glare
- Noise, disturbance and nuisance during construction and operational use
- Construction will cause contamination including potential asbestos
- Additional pedestrian and vehicular traffic will increase parking and congestion
- Proposal would not improve access to the site
- Safety of neighbouring school children at risk (from traffic)
- Increased flood risk from surface runoff
- Proposal against clear air strategy and sustainability targets
- Lack of consideration for fire safety
- Heat generation, heat waves and reflection concerns
- Security risk to residents
- Inadequate developer consultation and engagement with neighbours
- Insufficient Council consultation with neighbours
- Residents objected to withdrawn application; this application should not have been submitted
- Party wall issues.

Officers Response

- 2.2 The material planning concerns relating to the use, design, scale, conservation area, impact on neighbouring property, traffic (including safety) and parking, contamination, flood risk, noise and ecology are considered in the relevant section of this report.
- 2.3 Regarding, the Council's consultation process, officers are satisfied that the application has been advertised in line with the statutory requirements contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015. Although, the applicants did not carry out any pre-application consultation with residents for the proposed changes to the original 2023 planning permission (Ref: 2023/00291/FUL); the proposed changes are considered modest when compared to the consented permission. In line with the Council's 'Statement of Community Involvement in Planning', the applicants carried out pre-application engagement with local residents for the concurrent application involving the additional floor and based on the responses, it appears that the objections are duplicated on both applications.
- 2.4 In respect of the submitted drawings, officers have reviewed the drawings and plans, and these are of sufficient details and accuracy for a planning assessment. In addition, as part of a robust planning assessment, officers have conducted site visits to review the site and its context in detail
- 2.5 Concerns about contamination were addressed in the consented 2023 planning permission. The Council's Contaminated Land Team raised no

objections to the proposals subject to an informative which acknowledged that potentially contaminative land uses (past or present) have been identified at, and/ or, near to this site and the applicant be advised to contact the Council should any unexpected materials or malodours be encountered during excavations.

- 2.6 Air quality impacts were considered on as part of the original 2023 planning permission and officers concluded that no air quality conditions were required at that time. Officers consider that the proposed changes to the previously approved scheme would not create any additional air quality issues. The Council's Air Quality officers have raised no objections to the proposals.
- 2.7 Regarding security for neighbouring properties, the proposed variation of the previously approved drawings does not constitute a "fundamental" change to the approved development (Ref: 2023/00291/FUL) which remains extant. However, an informative would be attached which makes clear that the Metropolitan Police have a preferred security standard for the manufacture of doors and windows which is known as Secured by Design (SBD). The informative encourages fitting SBD approved specification doors and windows to reduce the chances of burglary and therefore access to neighbouring properties.
- 2.8 Matters relating to asbestos, fire safety and construction noise are covered alternative legislation under building regulations and environmental health and protection. An informative would be attached to clarify permitted hours for building work, construction and demolition works (0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer). The informative will also require that neighbours be notified in writing of demolition/ building works at least 21 days prior to the start of any site works; contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works; best Practicable Means (BPM) should be used in controlling dust emissions, low vibration methods and silenced equipment and machinery and no waste materials should be burnt on site.
- 2.9 Party wall disputes a civil matter between the parties concerned which are covered by alternative provisions contained within the Party Wall Act.

3. POLICY CONTEXT

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

- 3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (Section 38 (6) of the 2004 Act as amended by the Localism Act).
- 3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated December 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, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG)/Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:
- land use;
 - design, character and heritage;
 - neighbouring amenity;
 - transport and highways and
 - environmental considerations.

4. PLANNING CONSIDERATIONS

Procedural Matters

- 4.1 The applicant seeks to make changes to the approved parent permission through the submission of an application made under Section 73 of the Town and Country Planning Act 1990 (As Amended). Applications made under Section 73 can only make minor material amendments by varying or removing conditions associated with an extant planning permission. In this case, the proposal is to vary Condition 2 (Approved Plans) of the parent permission to allow minor amendments to the drawings of the permitted scheme. Section 73 of the 'Act' can be used for, amongst other things, to approve minor amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a Section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.
- 4.2 When an application is made under Section 73, the Local Planning Authority considers only the conditions subject to which planning permission should be granted. The LPA can decide to:
- Grant permission subject to conditions differing from those previously imposed.
 - Grant permission unconditionally.
 - Refuse the application if they believe the original conditions should remain.

- 4.3 It is also worth noting that a successful Section 73 application results in a new, independent planning permission sitting alongside the original one. The applicant can then choose which permission to implement.
- 4.4 There is no statutory definition of what 'Minor Material Amendment' means, instead, local planning authorities are responsible for deciding, given the local context in each case. However, the government suggests that minor material amendments are likely to include any amendment where its scale and/or nature, results in a development which is not substantially different from the one which has been approved. Relevant case law on this matter indicates that the Section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development. However, it is important to note that Section 73 cannot be used to change the description of the development itself or to extend the time limit within which a development must commence.
- 4.5 This application does not seek to amend the description of development, which cannot be secured by way of an application under s73. However, it is still necessary to establish whether the proposed amendments can be dealt with through a s73 application. The test established by case law, is that amendments to a planning permission can be permitted via s73 where they do not constitute a "fundamental" change to the approved development.
- 4.6 In this case, the proposed amendments would result in a scheme which reduces the scale and massing of what was approved in the original parent permission granted in 2023. As such, it can be concluded that the amendments sought under this s73 application would not constitute a fundamental change to the extant consent. Officers are therefore satisfied that the amendments can be dealt with under s73 of the Act.

5. PLANNING ASSESSMENT

Land Use

- 5.1 Policy E2 (Providing suitable business space) of the London Plan states that boroughs should include policies in Local Development Plan Documents that support the provision, and where appropriate, protection of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.
- 5.2 Policy E1 of the Local Plan encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises. Additionally, Local Plan Policy E2 stipulates that the Council will require the retention of land and premises

capable of providing continued accommodation for employment or local services.

- 5.3 Local Plan Policy CF3 supports the enhancement of arts, culture, entertainment, leisure, recreation and sport uses by:
- a. supporting the continued presence of the borough's arts, culture, entertainment, leisure, recreation and sports venues subject to the local impact of venues being managed without added detriment to local residents;
 - b. requiring proposals for new and expanded venues to be accessible and inclusive and to be supported by evidence of how impacts such as noise, traffic, parking and opening hours have been assessed, minimised and mitigated;
 - c. seeking retention, replacement or enhancement of existing arts, culture, entertainment, leisure, recreation and sport uses, unless there is clear evidence that there is no longer an identified need for a particular facility or alternative community arts, culture, entertainment, leisure, recreation and sport uses.
 - d. Supporting the temporary use of vacant buildings for community uses, including for performance and creative work.
- 5.4 The application site was established to provide recording and office accommodation (3,420 sqm) for the music industry. It is now home to over 50 businesses in the creative industries sector ranging from its core occupation as a recording studio to being the home to independent digital media production, physical and e-publishing agencies and artists' management teams.
- 5.5 The Council is currently working with local residents, businesses, arts and community organisations to agree a new Cultural Strategy. It will serve as a 10-year plan to help make the Borough an even better place to live, study, work and visit. The Cultural Strategy will reflect the Council's industrial strategy, 'Economic Growth for Everyone', which puts the creative industries at the centre of our vision for a prosperous future for all; it links to the Council's education priorities and helps stimulate our visitor economy.
- 5.6 The proposed development would provide a small amount of additional floorspace through modest extensions at ground and first floors in connection with the existing established use of the premises and the previous 2023 approval (Ref: 2023/00291/FUL) which fall within Class E (g) (i) & (iii), which includes any industrial use, which can be carried out in any residential area without detriment to the amenity of that area and office space. The applicant has refined the proposals to ensure they are better to able the implementation of the parent permission and

would therefore continue to retain and enhance the existing employment use of the site.

Conclusion on Land Use

- 5.7 The proposed development would not result in a significant intensification of use at the site, adding a moderate amount of additional floorspace that would not significantly change the extensions approved under the original permission in 2023 which remain extant.
- 5.8 Overall, the proposed development would comply with Policy E2 of the London Plan and Policies E1, E2 and CF3 of the Local Plan.

6. DESIGN, CHARACTER AND HERITAGE

- 6.1 The NPPF recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.2 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial, the proposed development should be considered in respect of para. 214 of the NPPF and if the harm is less than substantial, the development should be considered in respect of para. 215 of the NPPF.
- 6.3 There is a duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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.
- 6.4 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with

architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

- 6.5 Local Plan Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 6.6 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. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building;
- and
- subservient and should never dominate the parent building in bulk, scale, materials or design.
- 6.7 Local Plan Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. 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 paras. 133 and 134 of the National Planning Policy Framework;

i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;

j. the proposal respects the principles of accessible and inclusive design;

k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;

l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and

m. securing the future of heritage assets at risk identified on Historic England's

national register, as part of a positive strategy for the historic environment.

- 6.8 The Council's 'Planning Guidance' Supplementary Planning Document (2018) is also relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets), AH2 (Protection of Heritage Assets), CAG1 (Land Use in Conservation Areas) and CAG2 (Urban Design 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.
- 6.9 The application site benefits from extant consent for the erection of extensions to the host property and alterations to its external appearance. At ground floor, the proposals involve increasing the footprint (by some 3sqm) and redesigning the form and appearance of the consented 1.5 storey-high reception area at the front of the site to a single storey height. The proposed footprint at first floor adjacent to Nos. 91-101 Peterborough Road would be reduced (by approx. 10 sqm) when compared to the consented scheme and redesigned to include a setback (of approx. 1m) and a reduced height (approx. 1m). These current proposals represent modest changes to the scale of the consented scheme along the western edge of the site, including reductions in the height and massing of alterations to the front of the site, alongside other minor changes to the detailed design, appearance, materials and detailing of the scheme, in comparison to the consented development.
- 6.10 Officers consider these changes to be acceptable and would enhance the design quality of the proposed development, (when compared to the extant approved scheme). Given the backland nature of the proposal site, it would have limited impacts upon the surrounding streetscene and character and appearance of the Hurlingham Conservation Area and the setting of the Studdridge Street Conservation Area. Furthermore, the proposals would not result in any adverse impact upon the setting of the Grade II listed, Fulham Bilingual School campus.
- 6.11 Overall, the scheme represents minor but notable improvements when considered alongside the extant planning permission for this site. The proposed development would not impact upon the character and appearance or setting of heritage assets including the Hurlingham Conservation Area. As such, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

7. RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC4, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 7.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 7.3 The application site is bounded on three of its four sides residential terraces. The most affected properties are Nos 139-145 Studdridge Street to the north, Nos 91-101 Peterborough Road to west and Nos 80-82 Clancarty Road to the south.
- 7.4 As noted in the above section on Design, Character and Heritage, at ground floor the proposals involve increasing the footprint (by some 3sqm) and redesigning the form, massing and appearance of the consented 1.5 storey-high reception area at the front of site to single storey. The proposed footprint at first floor adjacent to Nos. 91-101 Peterborough Road would be reduced (by approx. 10 sqm) when compared to the consented scheme and redesigned to include a setback (1m) and a reduced height (1m).

Outlook and Sense of Enclosure

- 7.5 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.

Studdridge Street

- 7.6 The altered ground floor extension would run parallel with the rear party boundaries of Nos.139 to 145 Studdridge Street which include rear gardens that are about 7m deep. The proposed ground floor extension would be reduced by

half a storey in height compared to the consented scheme, to match the height of the existing boundary wall (approx. 2.7m). Notably, the existing building already breaches a notional 45-degree line from the ground level of those opposing gardens and the proposed alterations would cause no worsening to the existing situation and would improve outlook when compared to the consented scheme due to the lowering in scale.

- 7.7 The northern flank of the reduced first floor extension would be some 11m from the nearest properties in Studdridge Street; the reduced height and mass would improve the outlook to those properties when compared to the consented scheme. The proposed alterations would fall within a notional 45-degree line from the ground floor of those rear gardens and would improve the outlook when compared to the consented scheme.

Peterborough Road

- 7.8 At ground floor the changes to the consented scheme would be adjacent to No.91 Peterborough Road and would be situated some 15m from the rear of that property. Significantly, the proposed changes at ground floor include a reduced half storey height (maximum -1.7m) when compared to the consented scheme. This reduction in height would result in an improvement in terms of outlook from No.91 as measured from a notional 45 degree line from the ground floor.
- 7.9 The proposed first floor changes would include a 1m setback and a 1m reduction in height when compared to the consented scheme. The changes would result in an improvement in outlook from Nos. 91-101 Peterborough Road which would fall within the notional 45-degree lines set out in the SPD.

Clancarty Road

- 7.10 The proposed first floor extension would be adjacent to the rear garden of Nos.80-82 Clancarty Road, which has rear gardens of some 10m deep. The proposed first floor changes would include a 1m setback and a 1m reduction in height when compared to the consented scheme. The proposed first floor extension would not breach a notional line of 45-degrees from a 2m height above ground level. The proposals would fall within the limits of acceptability in terms of outlook.

Conclusion on Outlook and Sense of Enclosure

- 7.11 Overall, the changes include reduced heights and massing when compared with the consented scheme. The changes result in an improve sense of openness and improved outlook for neighbouring properties and accord with Key Principle HS6.

Daylight and Sunlight

- 7.12 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.
- 7.13 Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.14 The applicant has submitted a Daylight/Sunlight Report to assess the impact of the development on the natural light to surrounding properties. This report assesses the impact of the changes to the consented scheme.
- 7.15 The submitted report demonstrates that all the windows, rooms and gardens included within the assessment fully comply with the targets set out in the BRE guide. Significantly, as the changes to the consented scheme results in reduced overall heights, the proposals would have less impact and continue to fall within the limits of acceptability.
- 7.16 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The reduced height of the development when compared to the existing buildings, together with its set back and proposed distances from existing neighbouring houses would have no adverse impact on terms of daylight and sunlight.
- 7.17 Overall, the proposals would accord with Local Plan Policies HO11 and DC4.

Privacy

- 7.18 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.19 At first floor, no new windows are proposed and the design includes a windowless mansard slope opposite the nearest residential properties.
- 7.20 The proposed ground floor front extension would include windows that face Nos. 91-101, however the amount of glazing has been reduced when compared to the consented scheme. These windows would be some 15m from the nearest

property in the opposing terrace at Nos. 91-101 Peterborough Road and would be separated by a car park. With the exception of No.91 Peterborough Road, all these properties include boundary walls and fences that would prevent opportunities for additional overlooking. The proposed ground floor windows would not worsen the situation.

Conclusion on Privacy

- 7.21 Overall, none of the opposing residential properties would experience any loss of privacy as a result of the proposed development. The proposal therefore accords with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

Noise

- 7.22 The proposed variation of the consented scheme does not result in any "fundamental" change to the approved drawings in terms of noise impact. The Council's Environmental Protection Team raised no objection to the proposals. Matters relating to construction noise are covered by alternative legislation under building regulations and environmental health and protection. An informative would be attached to clarify permitted hours for building work, construction and demolition works (0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer). The informative will also require that neighbours be notified in writing of demolition/ building works at least 21 days prior to the start of any site works; contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works; best Practicable Means (BPM) should be used in controlling dust emissions, low vibration methods and silenced equipment and machinery and no waste materials should be burnt on site.

General Conclusion on Neighbouring Amenity

- 7.23 Overall, the proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Given the modest scale of the proposed changes to the consented development, it is not considered there would be any undue noise nuisance beyond the current level. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook and privacy. In this regard, the proposed development complies with Policies DC1, DC4, HO11, CC11, CC12 and CC13 of the Local Plan and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD.

7.24 The officer report relating to the consented scheme makes clear that the proposals approved in 2023 would respect the residential amenity of adjoining residential properties. While the proposed amendments would result in an increase in the size of the footprint at ground (3sqm) with a reduction at first floor (10sqm); overall the resulting extensions would be lower than those from the consented scheme. It is considered that the proposed development would remain compliant with policies and SPD Key Principles which have the aims and objectives of protecting neighbouring amenities.

8. TRANSPORT AND HIGHWAYS

8.1 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'. Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. The above policies are supported by Transport Key Principles of the 'Planning Guidance' SPD.

8.2 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

8.3 The Officer Report for the consented scheme makes clear that it is not considered that the development would result in an intensification of the use of site to warrant additional waste collection arrangements or highway measures such as additional cycle parking availability.

8.4 The current proposals have been considered by the Council's Highways officers and they consider that proposed changes are minor material amendments to the consented scheme. Highways conclude that it would be unreasonable to request any additional migration measures or impose new conditions and raise no objections to the proposals.

8.5 Overall, the development would accord with Local Plan Policy T1, T3, T4, T5 and T7.

9. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable surfacing should normally be resisted unless they can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 9.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 9.4 The site is within the Environment Agency's Flood Zone 2/3 indicating a medium to high risk of flooding from the Thames. The proposed scheme includes some alterations to the existing ground floor (although most of this has been already approved in the parent permission). However, the application site is well protected by flood defences such as the Thames Barrier and local river walls; hence, residual risks are low. As required, a Flood Risk Assessment is submitted with the application, and it sets out a range of mitigation measures that can provide protection in the unlikely event of the site being impacted by flood water.
- 9.5 The Council's Environmental Policy Team have been considered the proposals and conclude that the changes to the consented scheme would not create any additional issues that need re-assessing for flood risks and sustainable drainage (SuDS). Environmental Quality raise no objection subject to a condition regarding SuDS Strategy.

Ecology

- 9.6 Policy OS5 states that the Council will seek to enhance biodiversity and green infrastructure in the borough by:
- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;
 - b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;
 - c. seeking to prevent removal or mutilation of protected trees;
 - d. seeking retention of existing trees and provision of new trees on development sites; and
 - e. adding to the greening of streets and the public realm;
 - f. making Tree Preservation Orders where justified in the interests of amenity.

9.7 The applicant has claimed exemption from Biodiversity Net Gain as the proposal would not impact on a priority habitat of less than 25sqm, where the definition of impact is “if the development decreases the biodiversity value of that area”. The Council’s Ecology Officer has reviewed the application and confirmed that the site does meet the ‘de minimis’ exemption requirements in this instance; hence no further action is required to improve the biodiversity value of the site. However, officers note that the additional green roof areas are welcomed. As such, the proposals would accord with Policy OS5.

10. CONCLUSION

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

10.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. It is considered that the proposal is acceptable in land use terms and the minor changes to the scale of the extensions approved in the parent permission. It is further considered that the amendments proposed would not result in a fundamental change to the extant permission and can therefore be dealt with under s73 of the Act.

10.3 The proposed amendments would not alter the conclusions reached in the assessment and subsequent granting of the extant parent permission. The site would continue to function and operate as an employment site and therefore beneficial to the local economy and there would be no additional harm to any nearby heritage asset and to neighbouring amenities as a result of this application. Officers support the proposed development in line with the recommendations at the start of this report.

11. RECOMMENDATION

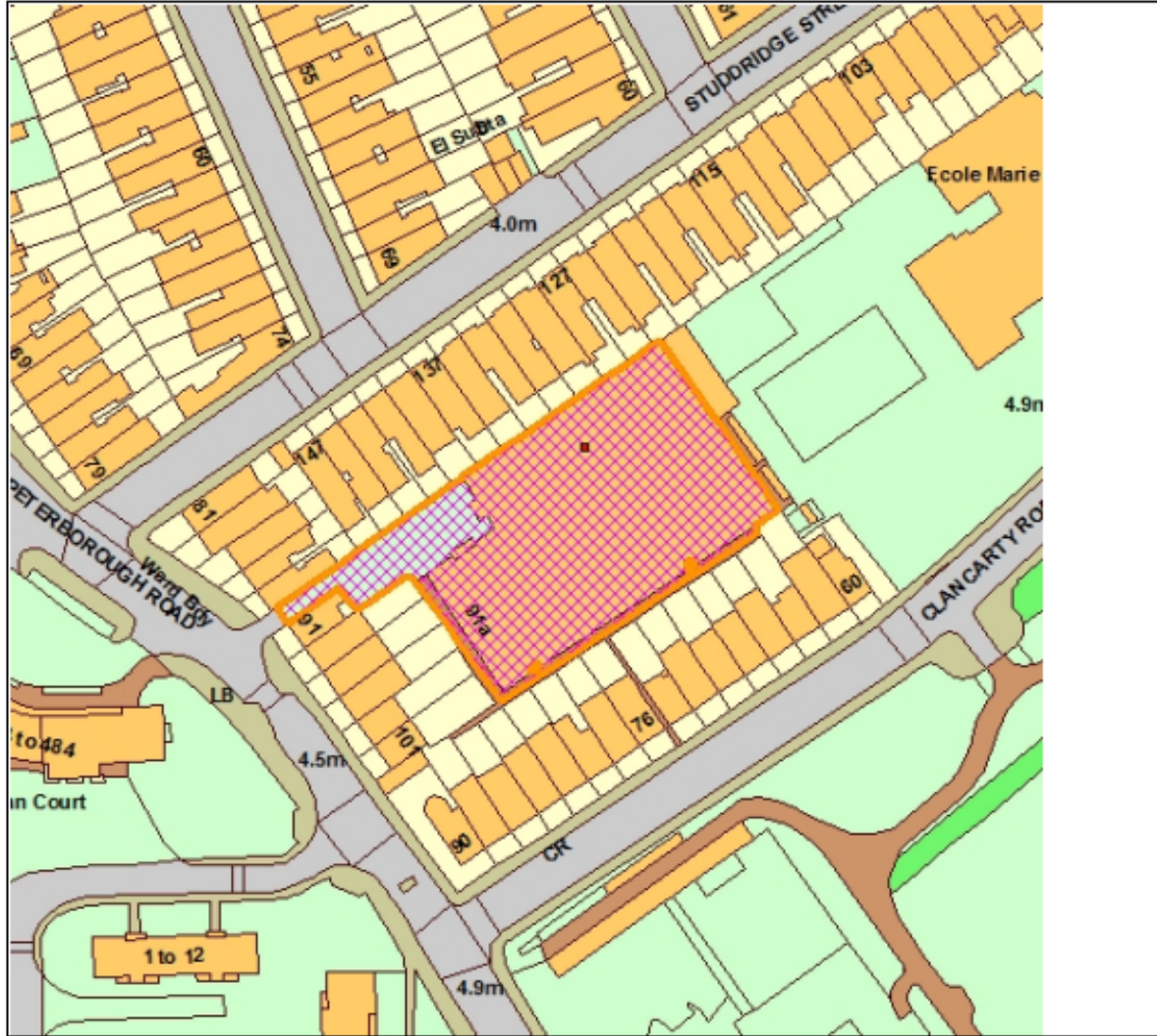
11.1 The application is therefore recommended for approval, subject to conditions.

Agenda Item 6

Ward: Parsons Green and Sandford

Site Address:

The Matrix Studios Complex 91A Peterborough Road London SW6 3BU



Reg. No:
2024/02395/FUL

Date valid:
30.09.2024

Committee Date:
11.02.2025

Case Officer:
Ronny Ferley

Conservation Area:
Hurlingham Conservation Area -
No.4 / Studdridge Street
Conservation Area - No.7

Applicant:

Mr Rupert Stanley
Matrix Masion Rouge Ltd.
The Matrix Studios Complex
91A Peterborough Road
London
SW6 3BU

Description:

Erection of an additional floor level at roof level to create 759 sqm of new Class E(g)(i) floorspace; installation of solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.

Application type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

1) Time Limit

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

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

2) Approved Plans

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

APL005 Rev A;
APL006 Rev A;
APL007; APL008 Rev A;
APL009 Rev A;
APL010 Rev B;
APL011 Rev A (Proposed Section);
APL011 Rev A (Proposed Elevations 2/3);
APL012 (Aerial View 02);
APL012 Rev A (Proposed Elevations 2/2);
APL013;
APL017;
APL018 Rev A;
Flood Risk Assessment.

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

3) Materials

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

To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

4) External Lighting

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

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

5) No Plant

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC8 and HO11 of the Local Plan (2018).

6) No Aerials

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

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

7) Rooftop Structures

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

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1, DC4 and DC8 of the Local Plan (2018).

8) Green Roof

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

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

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

9) Solar PV Panels

Prior to first occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels as shown on Dwg No. APL009 Rev A, to be installed on the roofs shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

In the interest of sustainability and to ensure that the proposed development does not prejudice the appearance of the area in accordance with Policies CC1, DC1 and DC8 of the Local Plan (2018).

10) Flood Risk Assessment (FRA)

The development hereby permitted shall not be occupied or used until the flood resilient design measures and water efficiency measures identified in the Flood Risk Assessment Ref: 479 FRA - 002 by RIDA (revised version dated Sep 2024) submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

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

11) Sustainable Drainage (SuDS)

The development hereby approved shall not commence (save for works of site clearance and any demolition) until details of a Sustainable Drainage Strategy incorporating incorporating the green roofs, attenuation tank and any permeable landscaping areas has been submitted to and approved by the Local Planning Authority.

The SuDS measures should limit surface water discharges from the site to 0.7l/s. Section plans and substrate depth information should be provided for the green roof which is recommended to provide a minimum 80mm of substrate. Maintenance information for each SuDS measure should be provided.

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

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

12) Construction Management/Logistics Plan

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

(i) A Construction Management Plan:

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

(ii) A Construction Logistics Plan-

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

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

13) Cycle Parking

The development shall not be used or occupied until the cycle storage areas, as shown on the approved Dwg No. APL006 Rev A have been installed, and the cycle storage areas shall be permanently retained in this form thereafter.

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

14) Refuse Storage

The development shall not be used or occupied until the refuse storage areas, as shown on the approved Dwg No. APL006 Rev A have been installed, and the refuse storage areas shall be permanently retained in this form thereafter.

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

15) Travel Plan

Prior to occupation or first use of the development hereby approved, a full and detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of how alternative methods of transport to and from the development, other than by car, are encouraged and promoted.

Thereafter, the development shall be carried out and operated in accordance with the agreed details contained within the Travel Plan.

The Travel Plan shall be regularly monitored and reviewed and any subsequent modifications or alterations to the Travel Plan should be submitted to and approved in writing by the Local Planning Authority.

To comply with Policy T2 of the Local Plan (2018).

16) Delivery and Servicing Plan

Prior to occupation or first use of the development hereby permitted, a Delivery and Servicing Plan 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).

17) Second Floor Terrace

The terrace area of the second floor hereby approved (as shown on Dwg No. APL008 Rev A) shall be used for the installation of air conditioning units (and or other approved plants and equipment) and for the purpose of maintenance only and for no other purpose whatsoever.

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

18) No Further Roof Terrace

No part of the flat roof of the hereby approved extensions and alterations shall be used as a roof terrace or other form of open amenity space.

No alterations shall be carried out; nor planters or other chattels placed on the roof.

No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to the property to form access onto the roof, other than for the maintenance and upkeep of the hereby approved the green roofs, walls and landscaping.

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

19) Sound Insulation

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate.

Details shall demonstrate that noise from uses and activities is contained within the building/development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/habitable rooms and private external amenity spaces.

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

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

20) No Amplified Noise

Neither music nor amplified voices emitted from the additional floor 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).

21) No Advertisement

No advertisements shall be installed on the additional floor 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).

22) Zero Emission Heating

Prior to occupation of the development hereby permitted, details (including manufacturer specification and installation/commissioning certificates) of the installed Zero Emission Air Source Heat Pumps, Heat Battery Boilers or Electric boilers to be provided for space heating and hot water for the new additional floor (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.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

23) Ultra Low Emission Strategy

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.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

24) Zero Emission Cargo Bike Infrastructure

Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed minimum of three cargo bike parking spaces 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.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

25) Electric Vehicle Charging Points

Prior to occupation of each phase of the development hereby permitted, details (including manufacturer specification, location and type, installation/commissioning certificates and photographic confirmation) of the installed active electric vehicle charging points (minimum 7 KW) for a minimum of three on-site car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

26) Limited Class E Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the premises shall be used for all Class E uses except for the following uses:

- Class E(b) - for the sale of food and drink for consumption (mostly) on the premises;
- Class E(d) for indoor sport, recreation or fitness and;
- Class E(f) for creche, day nursery or day centre.

To ensure that there would be no adverse impact upon residential amenity by reason of noise and disturbance or highway safety by reason of increased traffic generation in accordance with Policies HO11, CC11 and T1 of the Local Plan (2018).

Justification for approving application:

1. Land Use: The proposal would achieve a sustainable form of development by providing additional employment floorspace and enhancing an existing employment venue for the creative industries, beneficial to local economic development. This is in line with the NPPF and London Plan objectives which encourage the intensification and co-location of light industries to improve land use efficiency and support the Council's strategy for employment land capacity. This would help to meet additional demand and/or free up land and development capacity for non-industrial uses elsewhere. Therefore, the proposed development would comply with Policies E2 and E4 of the London Plan (2021) and Policies E1, E2 and CF3 of the Local Plan (2018).

2. Design, Character and Heritage: The proposed development is held to be visually and aesthetically acceptable. The scheme is considered to be of a high quality of design which optimises the capacity of a previously developed land and respects the setting, significance and value of nearby heritage assets (CA & LB). It is considered that the proposed development would be an adequate fit within the context and be sensitive to its surroundings, especially the adjoining Grade II Listed Building site, having regard to the character and appearance of the existing site and its vicinity. Any less than substantial harm to the heritage assets, would be outweighed by the public benefits of the proposal in providing additional employment workspace and the high sustainability credentials of the proposed scheme. Overall, the proposed development is in accordance with the NPPF (2024), London Plan Policies D3, D4, D5 and HC1, as well as Local Plan Policies DC1, DC4 and DC8.

3. Residential Amenity: The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, glint, glare and dazzle, outlook, privacy, noise and disturbance. In these respects, the proposed scheme complies with the NPPF (2024), Policies DC1, DC4, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

4. Transport and Highways: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision has been included for cycle parking and Electric Vehicles charging points are being proposed. A Travel Plan, Delivery & Servicing Plan and a Construction Logistics Plan are being secured via conditions. Adequate provision for the storage and collection of refuse and recyclables would be provided. The proposed development therefore accords with the NPPF (2024), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant transport and waste management Key Principles of the 'Planning Guidance' SPD (2018).

5. Environmental Issues: The impact of the development with regards to flood risk, energy, sustainability, ecology and air quality are considered to be acceptable subject to conditions to secure further details of mitigations and appropriate measures. This would be in accordance with London Plan (2021) Policies SI 12 and SI 13 Local Plan (2018) Policies CC1, CC2, CC3, CC4, CC9 and CC10, and relevant Key Principles of the 'Planning Guidance' SPD (2018).

That the applicant be informed as follows:

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk
3. Permitted hours for building work
Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/building works

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

Dust

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

Dark smoke and nuisance

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

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

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

4. The Metropolitan Police have a preferred security standard for the manufacture of doors and windows which is known as Secured by Design (SBD). Numerous long-term studies have shown that by fitting SBD approved specification doors and windows you will reduce the chances of becoming a burglary victim.

Within the London Borough of Hammersmith & Fulham (LBHF) all larger scale new builds/developments and refurbishments are built to this standard and it is encouraged that you to adopt Secured by Design accredited products for your own build.

You can find a list of product and suppliers on the secured by design web site: www.securedbydesign.com

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 29th September 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)
LBHF - 'Affordable Workspace' Supplementary Planning Document (2022)
LBHF - 'Climate Change' Supplementary Planning Document (2023)

Consultation Comments:

Comments from:
Thames Water
Metropolitan Police Crime Prevention

Dated:
10.10.2024
25.10.2024

Neighbour Comments:

Letters from:

Dated:

| | |
|---------------------------------------|------------|
| 62 Clancarty Road London SW6 | 03.10.2024 |
| 67 Clancarty Road London SW6 | 03.10.2024 |
| 80 Clancarty Road London SW6 | 03.10.2024 |
| 121 Studdridge Street London SW6 | 09.10.2024 |
| 62 Clancarty Road London SW6 | 12.10.2024 |
| 147 Studdridge Street London SW6 | 24.10.2024 |
| 147 Studdridge Street London SW6 | 27.10.2024 |
| 145 Studdridge Street London SW6 | 28.10.2024 |
| 125 Studdridge Street London SW6 | 28.10.2024 |
| 143 Studdridge Street London SW6 | 29.10.2024 |
| 97 Peterborough Road London SW6 | 30.10.2024 |
| 145 Studdridge Street London SW6 | 30.10.2024 |
| 62 Clancarty Road London SW6 | 19.11.2024 |
| 45 Clancarty Road London SW6 | 19.11.2024 |
| 67 Clancarty Road London SW6 | 19.11.2024 |
| 70 Clancarty Road London SW6 | 19.11.2024 |
| 143 Studdridge Street London SW6 | 22.11.2024 |
| 10 Quarrendon Street London SW6 | 22.11.2024 |
| 304 Wandsworth Bridge Road London SW6 | 22.11.2024 |
| 34 Quarrendon Street London SW6 | 22.11.2024 |
| 43 Quarrendon Street London SW6 | 22.11.2024 |
| 5 Quarrendon Street London SW6 | 22.11.2024 |
| 88 Clancarty Road London SW6 | 22.11.2024 |
| 22 Quarrendon Street London SW6 | 22.11.2024 |
| 106 Hurlingham Road London SW6 | 22.11.2024 |
| 48 Bradbourne Steet London SW6 | 22.11.2024 |
| 15 Quarrendon Street London SW6 | 22.11.2024 |
| 15 Quarrendon Street London SW6 | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| No Address Given (NAG) | 22.11.2024 |
| 4 Quarrendon Street London SW6 | 25.11.2024 |
| 121 Studdridge Street London SW6 | 25.11.2024 |
| 147 Studdridge Street London SW6 | 29.11.2024 |

1. SITE DESCRIPTION AND HISTORY

- 1.1 The application site consists of the Matrix Studios complex, a large industrial type building (some 3,430sqm) comprising over 50 existing business within the creative industries sector. The main use on-site is as a premier recording studio and other uses include digital media production, physical and e-publishing agencies and artists' management teams.
- 1.2 The site is in a backland location that is surrounded by the rear of two and three storey terraced residential properties to the east along Peterborough Road, to the south on Studdridge Street and to the north facing Clancarty Road. Immediately to the east and southeast, is the Marie D'Orliac Fulham Bilingual School campus which includes No.60 Clancarty Road, the former Peterborough school keeper's cottage (Grade II Listed Building).
- 1.3 The site falls within the Hurlingham Conservation Area and shares its northern boundary with the southern extent of the Studdridge Street Conservation Area. The area has a Public Transport Accessibility Level 3 with average access to public transport links and it is part of a Controlled Parking Zone (Zone Q). It also falls within Flood Risk Zone 2 and 3 area with medium to high residual risk of flooding and forms part of a noise nuisance zone.

Planning History

- 1.4 In February 2024, the applicants withdrew a full planning application (Ref 2023/03312/FUL) for the erection of an additional floor level at roof level to create 957.46 sqm of new Class E(g)(1) floorspace; installation of new solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.
- 1.5 In 2023 planning permission (Ref: 2023/00291/FUL) was granted for the erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes. This permission has not been implemented.
- 1.6 In 2018 prior approval (Ref: 2018/00106/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into residential use (Class C3) comprising of 1no. two bedroom and 4no. three-bedroom self-contained maisonettes. This permission has not been implemented.
- 1.7 In 2015 prior approval (Ref: 2015/00681/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into

1no. two bedroom and 4no. three-bedroom self-contained maisonettes (Class C3). This permission has not been implemented.

1.8 In 1999 planning permission (Ref: 1999/01067/FUL) was granted for the removal of Condition 02 of planning permission (F/641/77) dated 18th May 1978 to allow the use of the premises for Class B1 purposes, together with the installation of windows at ground floor level and rooflights. This permission has been implemented.

1.9 In 1998 planning permission (Ref: 1997/02291/FUL) was refused for the change of use to a health club, including the provision within the building of 24 car parking spaces on the following grounds: loss of an employment site that is suitable for continued employment use and makes a valuable contribution to the range of employment in the Borough; an over provision of on-site car parking that would result in increased traffic generation and an unneighbourly impact to noise and disturbance, generated by additional vehicles and persons visiting. and at the weekends

1.10 In 1988 planning permission (Ref: 1987/02193/FUL) was granted for the installation of three condenser units to roof of existing building together with extension to cowl on ducting.

1.11 In 1987 planning permission (Ref: 1987/00478/FUL) was granted for the installation of condenser unit on roof at first floor level.

1.12 In 1981 planning permission (Ref: 1981/01181/FUL) was granted for the installation of boiler flue to north-west elevation.

1.13 In 1981 planning permission (Ref: 1981/00043/FUL) was refused for the retention of flue from boiler house due to its siting and design which result in a dominant and obtrusive structure which harms the surrounding visual amenities.

1.14 In 1979 planning permission (Ref: 1979/01654/FUL) was granted for the installation of new flue from adhesive spray booth on first floor.

Concurrent Pending Application

1.15 There is a concurrent application (Ref 2024/02343/VAR) for a variation to condition 2 of planning permission ref: 2023/00291/FUL granted 28th June 2023 for the 'erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes' to allow amendments to the approved drawings to include: increasing the size of the ground floor extension and alterations to south western (front) elevation to include installation of single set of French doors, alterations to north

western elevation to include infilling of part of courtyard, installation of a new window, omission of selected rooflights and new zinc roofing above the roof of ground floor extension; alterations to the first floor extension to include reducing the size of the first floor level, alterations to the design of the rooflights above the roof of first floor extension and associated external alterations.

- 1.16 These amendments would result in a small reduction in floor area to the first floor extension (by approx. 10sqm) and minor increase at ground floor (by approx. 3sqm) of the consented permission 2023/00291/FUL. These amendments are intended to refine the design and appearance of the proposed reception and courtyard through a reduction in scale and massing

2. PUBLICITY AND CONSULTATION

Pre-Application Engagement / Previous Scheme

- 2.1 In February 2024, the applicants withdrew of a previous application (Ref 2023/03312/FUL) which involved a larger additional floor level at roof level (957.46 sqm) so that they could review the neighbour objections received before resubmitting a revised proposal.
- 2.2 The applicant's submissions include a 'Statement of Community Involvement' which sets out the range of methods that were used during their consultation period between July and September 2024. The consultations included the following methods:
- A dedicated website and contact centre for the proposal
 - On 31 July 2024, 393 notification letters sent to residential and business addresses along with the stakeholder/individuals from the groups. On 22 August 2024, follow-up letters sent out. Letters informed local people about the proposed development, the website, feedback form and of the applicants exhibition events and online webinar
 - Consultation exhibition held 15 and 17 August 2024
 - Exhibition follow-up
 - Consultation webinar held 5 September 2024.
- 2.3 In total 21 responses were received through the various consultation methods. The feedback received centred around 5 main themes: design/appearance; daylight/sunlight; height/mass; sustainability; construction and party wall.
- 2.4 In response to the feedback, the applicant made the following amendments:
- Previously approved 1.5 storey ground floor reception and additional 1st floor extension were reduced in size in order to integrate into the re-design of the external appearance;

- The elevation bordering the school to the north has been stepped back in order to improve the visual appearance of that elevation;
- Changes to the palette of materials.

Application Consultation

2.5 The application has been publicised by way of site and press notices. Individual notification letters were sent to the occupiers of 198 neighbouring properties. In response, objections were received from 29 properties. The grounds of objection can be summarised as follows

- No demand for use (i.e. music recording, as it is all digital now)
- Intensification of commercial use
- Overdevelopment, inappropriate backland development
- Design out of keeping with scale, architecture and residential character
- Green roofs out of context
- Visibility harms Conservation Areas, important views and vistas
- Submitted drawings misleading and do not show the affected properties
- Unethical development sets unwanted precedent
- Overbearing/enclosure, loss of light, overlooking, light pollution and glare
- Noise, disturbance and nuisance during construction and operational use
- Construction will cause contamination including potential asbestos
- Additional pedestrian and vehicular traffic will increase parking and congestion
- Proposal would not improve access to the site
- Safety of neighbouring school children at risk (from traffic)
- Increased flood risk from surface runoff
- Proposal against clear air strategy and sustainability targets
- Lack of consideration for fire safety
- Heat generation, heat waves and reflection concerns
- Security risk to residents
- Inadequate developer consultation and engagement with neighbours
- Insufficient Council consultation with neighbours
- Residents objected to withdrawn application, this application shouldn't be submitted
- Party wall issues
- Does the applicant intend to use the school site during the construction phase for access.

Officers Response

2.6 The material planning concerns relating to the use, design, scale, conservation area, impact on neighbouring property, traffic (including safety) and parking, contamination, flood risk, air quality and sustainability are considered in the relevant section of this report.

- 2.7 Regarding, the Council's consultation process, officers are satisfied that the application has been advertised in line with the statutory requirements contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015. Although, the applicants did not carry out any pre-application consultation with residents for the proposed changes to the original 2023 planning permission (Ref: 2023/00291/FUL) the proposed changes are considered modest when compared to the original permission. In line with the Council's 'Statement of Community Involvement in Planning' the applicants as carried out pre-application engagement with local residents for the larger concurrent application and it appears that most of the objections relate to that proposal (Ref 2024/02395/FUL) which involves an additional floor.
- 2.8 In respect of the submitted drawings, officers have reviewed the plans, and these are of sufficient details and accuracy for a planning assessment. In addition, as part of a robust planning assessment, officers have conducted several site visits to review the site and its context in detail
- 2.9 Concerns about contamination were addressed in the original 2023 planning permission. The Council's Contaminated Land Team raised no objections to the proposals subject to an informative which acknowledged that potentially contaminative land uses (past or present) have been identified at, and/ or, near to this site and the applicant be advised to contact the Council should any unexpected materials or malodours be encountered during excavations.
- 2.10 Air quality impacts were considered on as part of the original 2023 planning permission and officers concluded that no air quality conditions were required at that time. Officers consider that the proposed changes to the previously approved scheme would not create any additional air quality issues. The Council's Air Quality officers have raised no objections to the proposals.
- 2.11 Regarding security for neighbouring properties, the proposed variation of the previously approved drawings do not constitute a "fundamental" change to the approved development (Ref: 2023/00291/FUL) which remains extant. However, an informative would be attached which makes clear that the Metropolitan Police have a preferred security standard for the manufacture of doors and windows which is known as Secured by Design (SBD). The informative encourages fitting SBD approved specification doors and windows to reduce the chances of burglary and therefore access to neighbouring properties.

- 2.12 Matters relating to asbestos, fire safety and construction noise are covered alternative legislation under building regulations and environmental health and protection. An informative would be attached to clarify permitted hours for building work, construction and demolition works (0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer). The informative will also require that neighbours be notified in writing of demolition/ building works at least 21 days prior to the start of any site works; contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works; best Practicable Means (BPM) should be used in controlling dust emissions, low vibration methods and silenced equipment and machinery and no waste materials should be burnt on site.
- 2.13 Party wall disputes a civil matter between the parties concerned which are covered by alternative provisions contained within the Party Wall Act.
- 2.14 The use of any part of the school for access during construction is a civil matter and if agreed would be addressed in a construction management plan which is secured by condition.

3. POLICY CONTEXT

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.
- 3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (Section 38 (6) of the 2004 Act as amended by the Localism Act).
- 3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018), 'Affordable Workspace' (2022) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance', 'Affordable Workspace' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated December 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, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG)/Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD), the 'Affordable Workspace' Supplementary Planning Document (2022) (hereafter referred to as the 'Affordable Workspace' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:

- land use;
- design, character and heritage;
- neighbouring amenity;
- transport and highways;
- environmental considerations.

4. **LAND USE**

Additional Employment / Light Industrial Floorspace

- 4.1 Policy E2 (Providing suitable business space) of the London Plan states that boroughs should include policies in Local Development Plan Documents that support the provision, and where appropriate, protection of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.
- 4.2 London Plan Policy E4 relates to land for industry, logistics and services to support London's economic function. The Mayor of London Draft 'London Plan Guidance for Industrial Land and Uses' states that suitable light industrial premises can, for example, provide space for emerging industrial related sectors, such as creative industry production and maker.
- 4.3 Policy E1 of the Local Plan encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises (SMEs). Policy E1 also requires affordable space suitable for local SMEs in large new business developments, unless justified by the type and nature of the proposal and subject to viability.' The supporting text (para. 7.3-7.5) confirms there is a need for genuinely affordable workspace for local people/businesses including micro SMEs and startups in a range of sizes'. Additionally, Local Pan Policy E2 stipulates that the Council will require the retention of land and premises capable of providing continued accommodation for employment or local services.
- 4.4 Local Plan Policy CF3 asserts that the Council will support the enhancement of arts, culture, entertainment, leisure, recreation and sport uses by:
- a. supporting the continued presence of the borough's arts, culture, entertainment, leisure, recreation and sports venues subject to the local impact of venues being managed without added detriment to local residents;
 - b. requiring proposals for new and expanded venues to be accessible and inclusive and to be supported by evidence of how impacts such as noise, traffic, parking and opening hours have been assessed, minimised and mitigated;

- c. seeking retention, replacement or enhancement of existing arts, culture, entertainment, leisure, recreation and sport uses, unless there is clear evidence that there is no longer an identified need for a particular facility or alternative community arts, culture, entertainment, leisure, recreation and sport uses.
 - d. Supporting the temporary use of vacant buildings for community uses, including for performance and creative work.
- 4.5 The Council's SPD for 'Affordable Workspace' helps to inform discussions and proposals on applications that provide affordable workspace. Appendix C of the SPD, para. 8.3 and Table C1 sets out measures to support affordable and flexible accommodation.
- 4.6 The Council is currently working with local residents, businesses, arts and community organisations to agree a new Cultural Strategy. It will serve as a 10-year plan to help make the Borough an even better place to live, study, work and visit. The Cultural Strategy will reflect the Council's industrial strategy, 'Economic Growth for Everyone', which puts the creative industries at the centre of our vision for a prosperous future for all; it links the Council's education priorities and helps stimulate our visitor economy.
- 4.7 The application site was established to provide recording and office accommodation for the music industry. It is now home to over 50 businesses in the creative industries sector ranging from its core occupation as a recording studio to being the home to independent digital media production, physical and e-publishing agencies and artists' management teams. The Matrix Studios Complex presently provides some 3430sqm of accommodation for creative industries companies together with the core recording studios use.
- 4.8 The proposal is to provide an additional floor to the premises and create an extra approx. 759sqm of office space falling into Use Class E (g) (i). The office space would support the main function of the site as a hub for creative industries companies. This use would be compatible with and complement the main use which falls in Use Class E (g) (iii) for any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 4.9 The application submissions do not quantify the likely increase in employment, however officers consider that the additional floorspace would create additional employment opportunities at the site.
- 4.10 Following negotiations with officers the applicant has offered to provide 10% of the total increase in floorspace (GIA) as affordable workspace for 10 years at 20% discount to Open Market Rental Value (OMRV), and how this is to be managed

and run through a Workspace Management Plan. This would be secured via a S106 agreement.

4.11 Officers have also secured a financial contribution of £30,000 towards local employment, training and local businesses including:

- at least 10% of the total number of people employed on the construction of the development would be local residents,
- 3 apprenticeships, 3 paid work and 3 unpaid placements
- at least 20% of the total number of people employed in the end use of the development would be local residents.
- 10% of the build cost to be spent on businesses based in H&F in the supply chain of the development
- 10% local labour during construction phase, including an employment and skills plan
- Operational phase; Local Procurement £4,300 to help with local supply chain activity
- A commitment to sign up to the Council's Upstream Pathway Bond H&F Upstream Pathway Bond | London Borough of Hammersmith & Fulham, a broad menu of opportunities to help businesses play a meaningful role in supporting the local community in which they operate – and to encouraging end-users of the development to do so.

Conclusion on Land Use

4.12 The site has evolved into a versatile workspace for modern creative companies and facilitates, the provision of dynamic workspaces and state-of-the-art recording studios in Southwest London. The proposed scheme would help to consolidate and modernise this established use and generate employment opportunities with economic benefits to support the provision of workspaces for the creative industries in the Borough. The proposed additional floorspace will strengthen the employment provision of the creative industries in this location and within the Borough as a whole.

4.13 Overall, the proposed development would comply with Policies E2 and E4 of the London Plan and Policies E1, E2 and CF3 of the Local Plan.

5. DESIGN, CHARACTER AND HERITAGE

5.1 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.

- 5.2 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial, the proposed development should be considered in respect of para. 214 of the NPPF and if the harm is less than substantial, the development should be considered in respect of para. 215 of the NPPF.
- 5.3 There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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.
- 5.4 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".
- 5.5 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.
- 5.6 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. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building; and
 - subservient and should never dominate the parent building in bulk, scale, materials or design.
- 5.7 Local Plan Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. 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 NPPF;
- 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 NPPF;
- 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.
- 5.8 The Council's 'Planning Guidance' Supplementary Planning Document (2018) is also relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets), AH2 (Protection of Heritage Assets), CAG1 (Land Use in Conservation Areas) and CAG2 (Urban Design 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.

Design

- 5.9 The existing Matrix Studios development is a large industrial building occupying a back land site and screened to the north, west and south by high quality residential terraces, and the former Peterborough School campus to the east. The existing building has a large footprint and features a significant roofscape with varying shallow pitches and detailed in corrugated metal materials.
- 5.10 Given the enclosure of the building, it has limited visibility from the surrounding context, largely from windows of adjacent residential properties. There is some additional visibility of the existing structure from the playground of the existing school and within Clancarty Road. The site benefits from extant consent for small infill extensions largely to the northern aspect of the site, with an application to vary this consent currently pending consideration.
- 5.11 The proposed development would bring forward an additional floor of accommodation at roof level. This is designed as an a symmetrical, dual-pitched roof, with the ridge focussed towards the southern portion of the site. The extensions do not cover the full extent of the existing roofscape and are set-in from the northern extent.

- 5.12 The main form of the new dual-pitched roof would be treated in standing seam zinc, detailed in a light grey colour, and the northern pitch broken-up through use of perforated metal mesh and soft landscape feature to break-up and integrate with the existing building. Other areas within the northern section of the extension are cut-back and integrate green roofs, featuring vegetation and foliage to soften the impact of the moderate additional bulk and promote biodiversity.
- 5.13 The southern pitch of the roof includes a cut-out section in order to provide additional light to the internal environment of the scheme. This pitch also includes provision of integrated photovoltaic solar panels to optimise on-site solar energy generation.
- 5.14 Overall the design of the proposal presents a well-considered extension to the existing development which would improve the visual performance of the building and allowing for additional internal floorspace to be provided. The development is considered to represent a high-quality of design.

Heritage

- 5.15 The proposal site is situated in the Hurlingham conservation area, and the northern extent of the site abuts the southern boundary of Studdridge Street conservation area. To the eastern boundary of the site, features the Grade II listed former Peterborough School and caretaker's cottage, (now known as Fulham Bilingual School).

Hurlingham Conservation Area

- 5.16 The Hurlingham Conservation Area was designated in 1971 and covers a significant area focussed predominantly on the river frontage and the Hurlingham Club. The proposal site is situated in the eastern portion of the conservation area has a mixed character, including the public open space of South Park, the former Peterborough Road school campus. With the proposal site featuring a mix of former industrial back land development enclosed by residential terraces featuring cohesive architectural styles and use of traditional materials.

Assessment of Impact

- 5.17 Given the back land nature of the application site, the proposed development would have limited visibility from surrounding streets and would largely be visible in rear gardens of private dwellings. Like the existing building, there would be some increased visibility of the development from Clancarty Road and the playground of the former Peterborough School, however any change

to these views would be marginal. The use of high-quality materials, and greening in key public views of the site would serve to limit any impact upon the established character and appearance of the conservation area overall.

- 5.18 Consequently, officers conclude that the development would not result in harm to the character and significance of the conservation area, which would be preserved if planning permission were granted for this development.

Studdridge Street Conservation Area

- 5.19 The Studdridge Street Conservation Area was designated in 1975. The historic character and significance of the conservation area is formed around the high quality Victorian terraces, and architecture featuring consistent use of red brick, slate, terracotta friezes at eaves level and below first floor window sills, string courses, panels and cambered window heads, and decorative timber balustraded balconies. Many of these properties have been altered by the addition of a roof extension that the mansard design with Velux roof lights is now so commonplace that it forms part of the character of the area.

Assessment of Impact

- 5.20 Given the back land nature of the application site, the proposed development would have negligible visibility from surrounding streets and would largely be visible in rear gardens of private dwellings within the conservation area. The use of high-quality materials, and greening in key public views of the site would serve to limit any impact upon the setting and established character and appearance of the conservation area overall.
- 5.21 Consequently, officers conclude that the development would not result in harm to the setting, or character and significance of the conservation area, which would be preserved if planning permission were granted for this development.

Former Peterborough School and caretaker's cottage, (currently known as Fulham Bilingual School) – Grade II Listed

- 5.22 The building is listed primarily due to its use, and architectural appearance, being an unusually handsome and well-preserved example of a London Board School, designed by the Board's architect TJ Bailey and notable for its striking roofline of towers, gables and dormers; the external treatment of the building is noted to be in a Free Renaissance style, with much decorative use of red brick and terracotta.

- 5.23 The southern façade fronting Clancarty Road is of particular significance, featuring a central hall block with a crenelated parapet, its five bays divided by red-brick piers with terracotta volutes and niche finials. This is flanked by twin stair towers with finials and shaped gables.
- 5.24 The caretaker's cottage 60 Clancarty Road is also high historic significance due mainly to its appearance, composed of stock brick with a roughcast upper storey and a tiled gabled roof.

Assessment of Impact

- 5.25 Officers consider that the proposal has been designed to carefully consider the Impacts upon the setting of the adjacent Grade II Listed Building, allowing for the character, significance, and setting of this heritage asset to be preserved. The existing Matrix Studios building is visible as an unimposing feature on the western boundary of school campus, as a solid boundary to the existing external playground.
- 5.26 The proposed design would, through introduction of the asymmetrical dual-pitched roof gable, slightly increase the visibility of the development within this setting. However, the set-back and reduced scale of the gable, incorporating high-quality materials and green roof features along this prominent edge condition would limit the development having any overbearing or incongruous impact upon the setting of this asset.
- 5.27 As such the proposals would result in not result in harm to the setting, or character and significance of the Listed Building, maintaining its prominence within the local townscape.

Design and Heritage Conclusion

- 5.28 Overall, the proposed development seeks to enlarge the existing Matrix Studios through provision of an additional floor at roof level, the design of which features a dual-pitched roof and introduction of green roofs. The extensions are considered to represent a high-quality of design which improve and enhance the visual appearance of the host building overall.
- 5.29 The proposed development would not impact upon the character and appearance or setting of heritage assets including the Hurlingham and Studdridge Street conservation areas and the setting of the Grade II listed, former Peterborough School and caretaker's cottage, (currently known as Fulham Bilingual School).

- 5.30 As such, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

6. RESIDENTIAL AMENITY

- 6.1 Policies DC1, DC4, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 6.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 6.3 The application site is bounded on three of its four sides (north, west and south) by residential properties constituting mainly of terraced houses along Studdridge Street to the north, Peterborough Road to west and Clancarty Road to the south. These are the main neighbouring residential properties stand to be affected by the proposal.

Outlook and Sense of Enclosure

- 6.4 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.

- 6.5 The proposed additional floor would occupy part of but not all of the current roof of the existing building to create a new second floor. The proposed additional floor would have a 'T-shape' form that would be offset from the rear gardens on northern boundary along Studdridge Street by between 5m and 11m. On the southern boundary with Clancarty Road the additional floor would be between 5.5m and 7m from the rear boundary. To the west, additional floor would be some 7m from the rear.
- 6.6 The proposals also include extensions at ground and first floor level that are smaller in height than the consented structures approved under the 2023 permission (Ref 2023/00291/FUL) which remains extant. Notably, the ground and first floor extensions being sought are essentially the same as those included in the concurrent application which seeks to vary the approved drawings (Condition 2) of the consented scheme (2023/00291/FUL) to allow amendments which include: increasing the footprint of the ground floor reception area (3 sqm) and reducing the footprint of the at first floor (10 sqm);

Studdridge Street

- 6.7 The proposed additional by reason of its design and siting would have no undue impact on the properties in Studdridge Street.
- 6.8 The altered ground floor extension would run parallel with the rear party boundaries of Nos. 139 to 145 Studdridge Street which include rear gardens that are 7m deep. The proposed ground floor extension would be reduced by half a storey in height compared to the consented scheme to match the height of the existing boundary wall (approx. 2.7m). Notably, the existing building already breaches a notional 45-degree line from the ground floor of those gardens and the proposed alterations would cause no worsening to the existing situation and would improve outlook when compared to the consented scheme.
- 6.9 The northern flank of the reduced first floor extension would be some 11m from the nearest properties in Studdridge Street; the reduced height and mass would improve the outlook to those properties when compared to the consented scheme.
- 6.10 The proposed alterations would fall within a notional 45-degree line from the ground floor of those rear gardens and would improve the outlook when compared to the consented scheme. The proposed green roof is extensive proposed and would improve the outlook from the Studdridge Street properties.

Clancarty Road

- 6.11 The proposed additional floor by reason of its design and siting would have no undue impact on the properties in Clancarty Road. The proposed first floor extension would be adjacent to the rear garden of No.82 Clancarty Road, which has rear gardens of some 10m deep. The proposed first floor changes would

include a 1m setback and a 1m reduction in height when compared to the consented scheme.

- 6.12 The proposed additional floor and extensions at ground and first floor would not breach a notional line of 45-degrees from a 2m height above ground level. The proposals would fall within the limits of acceptability in terms of outlook.

Peterborough Road

- 6.13 The additional floor would marginally breach a notional 45-degree line from a 2m height on the boundary and in accordance with SPD HS6 on-site judgment is the determining factor. The technical breach is considered modest within this context as the additional floor includes a setback of some 7m from the rear boundaries at Nos.93-101 and would not breach the relevant notional 45-degree line cited under SPD HS6. Furthermore, officers consider that the inclusion of foliage/vegetation cover through the planting green roof and the use of a soft material palette, would mitigate the minor infringement and in these circumstances based on an on-site judgement, the proposed development would have an acceptable impact in terms of outlook to residential properties along Peterborough Road.
- 6.14 At ground floor the changes to the consented scheme would be adjacent to No.91 Peterborough Road and would be situated some 15m from the rear of that property. Significantly, the proposed changes at ground floor include a reduced half storey height (maximum -1.7m) when compared to the consented scheme. This reduction in height would result in an improvement in terms of outlook from No.91 as measured from a notional 45 degree line from the ground floor.
- 6.15 The proposed first floor changes would include a 1m setback and a 1m reduction in height when compared to the consented scheme. The changes would result in an improvement in outlook from Nos 91-101 Peterborough Road which would fall within the notional 45-degree lines set out in the SPD.

Conclusion on Outlook and Sense of Enclosure

- 6.16 Overall, the proposed development would fall within acceptable limits in terms of outlook and sense of enclosure on neighbouring properties in accordance with Key Principle HS6.

Daylight and Sunlight

- 6.17 There are no specific policies about daylight, sunlight or overshadowing in the Local Plan Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential

amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.

- 6.18 Policy DC1 (Built Environment) require development to be well designed and respect of the principles of good neighbourliness. Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 6.19 The applicant has submitted a Daylight/Sunlight Report to assess the impact of the development on the natural light receivable to surrounding properties. The report considers the impact of the development on residential properties along Studdridge Street, Peterborough Road and Clancarty Road.
- 6.20 In total 294 windows and 120 habitable rooms were assessed for 31 neighbouring buildings/properties for Vertical Sky Component (VSC) and No Sky-Line (NSL). The results show that all 294 (100%) windows would satisfy the VSC guidelines, and 119 (99%) rooms would satisfy the NSL guidelines. The single window that falls short is at No.74 Clancarty Road a serves a non-habitable ground floor kitchen (some 7sqm). The Local Plan Glossary makes clear that "a habitable room is any room used or intended to be used for dwelling purposes above 6.5 sqm in floor area except for kitchens of less than 13 sqm, bathrooms and WCs. Therefore, the affected window at No.74 is does not serve a habitable room window. No.74 recently received planning permission for a single storey rear extension (Ref No. 2022/03626/FUL approved in April 2023) which would remove the existing affected window in connection with an open plan space that would benefit from an alternative large glazed rear opening.
- 6.21 In terms of sunlight, 75 windows were considered for APSH (Annual Probable Sunshine Hours) and all of them (100%) showed compliance with both annual and winter APSH. In regard to sunlight to neighbouring gardens and amenity spaces, the results of the two-hour sun-on-ground assessment concluded that of the 22 gardens/amenity spaces assessed, again all of them (100%) would satisfy the BRE guidelines for sun on ground. This is by retaining at least two hours of sunlight on 21 March in the proposed condition, the factor of former value, and whether the results meet the BRE numerical guidelines (i.e., at least 50% or at least 0.80 times former value).

Conclusion on Daylight and Sunlight

- 6.22 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The relationship between properties would not be unduly impacted so as to cause noticeable loss of light to any of the adjoining residential properties.
- 6.23 In view of the above, the proposals would accord with London Plan D6, Local Plan Policies HO11, DC1 and DC4.

Privacy

- 6.24 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

Studdridge Street

- 6.25 The proposed additional floor would include new openings with partial perforated metal mesh screens, on its northern elevation adjacent to the rear elevation of properties along Studdridge Street. However, these windows would be separated by a distance in excess of 18m from the nearest opposing windows in the rear elevation of the Studdridge Street and the perforated metal screens would further reduce any opportunities for overlooking views towards properties in Studdridge Street.
- 6.26 Replacement windows are also proposed at first floor in the northern elevation facing towards the Studdridge Street properties. These windows would be in a similar location to existing and be set back more than 18m from opposing the rear elevation of properties in Studdridge Street. These replacement windows would not result in any undue loss privacy and overlooking.

Clancarty Street

- 6.27 The proposed southern elevation includes windows within the new additional floor; however these windows would be set within a courtyard behind a 3m wall permitting views into the courtyard only but not beyond site towards the opposing properties fronting Clancarty Road.

Peterborough Road

- 6.28 At first floor along the western (front) elevation there are replacement windows proposed facing the rear of properties along Peterborough Road; notably, these windows would set no closer to the rear elevation of these neighbouring

properties than existing. The proposed development would remove some existing first floor windows which are set closer to the Peterborough Road properties by having a windowless mansard on the most forward front elevation which would slightly improve the relationship with the Peterborough Road properties in terms of privacy protection and limiting any harmful overlooking.

- 6.29 At ground floor facing Peterborough Road, all the proposed windows would be replacement windows in the same location as existing. Overall, the interruption of existing boundary walls/fences including foliage and vegetation there would be no further opportunities for harmful overlooking at this level.

Proposed Flat Roofs

- 6.30 The flat roofs areas of the proposed development would be restricted by condition to be limited to providing access for maintenance of the proposed plants, equipment and green roofs and not to allow any use for amenity or recreational purposes.

Conclusion on Privacy

- 6.31 Overall, none of the opposing existing residential properties would experience a loss of privacy as a result of harmful actual and perceived overlooking from the proposed development. The proposal therefore accords with Policy HO11 of the Local Plan and Key Principle HS7 of the Planning Guidance SPD.

Noise

- 6.32 London Plan Policy D14 sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.33 The proposed scheme has been considered by the Council's Environmental Protection Team who have raised no objections subject to conditions to safeguard against harmful noise impacts. The site is an employment venue and the vast majority of daily activities would take place internally within the building. Whilst the additional floor could create an increase in activities, including comings and goings to the site, these would take place at normal working hours during the weekday and not at unsociable hours which would coincide with

when most residents are at home during the evenings and weekends. The proposal would also remove a number of plant equipment on the existing roof and place them in dedicated areas set lower than the roof (within a courtyard at second floor) which is an improvement in terms of potential noise spillage.

- 6.34 Regarding noise during the construction phase, conditions would be attached to secure the submission of details for management plans, to control and limit potential nuisance during this phase.

Conclusion on Noise

- 6.35 It is considered that the proposed development would not result in any undue noise impact on residential occupiers. As such, the proposal accords with London Plan D14 and Local Plan Policies CC1 and CC13.

Glint, Glare and Dazzle from Solar Panels

- 6.36 Policy CC12 of the Local Plan states at point (d) that proposals must provide adequate protection from glare and light spill, particularly to nearby sensitive receptors such as residential properties and Nature Conservation Areas, including the River Thames. Supporting para.6.76 of Policy HO11 states that it is always necessary for developments to take into account the residential amenity of neighbours and the impact on the environment. However, this is especially important in a densely built borough such as Hammersmith and Fulham where developments are often juxtaposed with their neighbours.
- 6.37 The application is submitted with a 'PV Glare Assessment' report which assesses the potential for glare which may be experienced by neighbouring residential windows for the properties on Peterborough Road and Clancarty Road, as a consequence of the PV arrays on the proposed roof. The study has been carried out using the assessment methodology recommended in the Building Research Establishment (BRE) Report 209.
- 6.38 Modern solar PV panels are designed to absorb as much sunlight as possible to maximise energy generation, with minimal reflection. They typically use anti-reflective coatings that significantly reduce the potential for glint, glare and dazzle. The proposed PV panels are positioned at an angle optimised for solar energy generation, which also directs potential reflections upward towards the sky rather than towards neighbouring properties. This reduces the likelihood of reflections affecting neighbouring windows, gardens, or public spaces.
- 6.39 The report considered the levels of potential solar glare present at receptor locations within the 10 neighbouring properties. It concludes that the PV array being proposed would generate a small instance of glare to one of the 22 test points. However, the instance is not within the most sensitive 5 degrees of a

human's eyeline. Any potential glare is only visible between 10 to 29.9 degrees for a very short period of time, which is considered to be a negligible effect on neighbouring residential properties. Hence, the proposed PV array would not generate any instances of significant solar glare to nearby residential homeowners. Officers have considered the report and have no contrary reason to disagree with its conclusions.

Conclusion on Glint, Glare and Dazzle

- 6.40 Overall, the potential for glint, glare and dazzle from the proposed PV panels is minimal and the development is not expected to cause any significant adverse impacts on neighbouring properties or public areas in terms of visual comfort or amenity. The proposals therefore accord with Local Plan Policy CC12.

General Conclusion on Neighbouring Amenity

- 6.41 Overall, the proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy, noise and disturbance as well as glint, glare and dazzle. In this regard, the proposed development complies with Policies DC1, DC4, HO11, CC11, CC12 and CC13 of the Local Plan, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD.

7. TRANSPORT AND HIGHWAYS

- 7.1 Paragraph 115 of the NPPF states that in assessing applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and that safe and suitable access to the site can be achieved for all users.
- 7.2 Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.
- 7.3 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the

borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'. Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. The above policies are supported by Transport Key Principles of the 'Planning Guidance' SPD.

- 7.4 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Car Parking

- 7.5 Policy T4 of the Local Plan specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available or in locations where the PTAL rating is 2 or lower (TfL's Public Transport Accessibility Level). Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.
- 7.6 The site has a PTAL rating of 3 meaning it has average access to public transport options. However, the application is for an extension of an existing use at the site and not for a change of use. Nonetheless, with the creation of some additional 759 sqm of floorspace allocated for office use, it is possible that the scheme could still increase demands for car parking on-street due to limited availability on site. Businesses within the borough are allowed up to two business parking permits, regardless of the size of the business. Each permit is for one vehicle only. The Council's Transport & Highway Team have been consulted and have advised that given the site is already has two car parking permits for the local Controlled Parking Zone and this is the maximum allowable, there is no need to further restrict car parking permits right in this instance.
- 7.7 The proposal would reduce on-site car parking from 5 to 3 bays with EV charging points introduced which is justified by the need to provide additional cycle parking spaces and this is welcomed by officers. Therefore, any additional trip generation caused by the proposal would be through sustainable transport mode. Hence, the proposed development would not exacerbate the existing levels of parking stress and congestion, which helps with air quality improvement from vehicle emissions.

Cycle Parking

- 7.8 Policy T1 of the Local Plan seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan specifies that cycle parking should be fit for

purpose, secure and well-located. It requires 1 space per 75sqm in areas with higher cycle requirements which the site falls within. This means that approx. 10 additional cycle parking spaces would be required.

- 7.9 The scheme proposes 15 extra cycle parking spaces which brings the site's capacity to a total of 30 spaces, including e-bike charging points to increase the choice of sustainable modes of transport. This would be secured by a compliance condition.

Refuse, Recycling and Servicing

- 7.10 The submitted Design & Access Statement states that new internal storage for refuse bins are being proposed compared to the current situation where they are stored externally; further details would be secured by condition. The submissions do not include any information regarding delivery, collection and servicing; these details would be secured by condition.

Travel Plan

- 7.11 A Travel Plan would be secured by condition to show how a reduction in dependency on the private car will be achieved. This would help to mitigate circumstances whereby employees and visitors to the site are able to use their own private car by either being in possession of a car parking permit, using on-street pay and display bays and/or using on-site car parking spaces. The Travel Plan must include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation and regular review and improvement; this would 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.

Construction Logistics Plan

- 7.12 In order to assess and minimise the impact of the construction of the proposed development on the local highway network, the submission of a Construction and Demolition Plan is required to include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the transfer of mud and dirt onto the highway/footway. As well as other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the Council. Subject to a condition securing further a detailed CLP, officers consider that the proposals would not unduly impact the nearby highway network during the construction phase.

Highways Conclusion

- 7.13 Overall, there are no objections to the proposed development from a transport and highways perspective. Therefore, subject to the outlined conditions, the scheme would accord with the relevant policies of the London Plan and the Local Plan.

8. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

- 8.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 8.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable surfacing should normally be resisted unless they can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 8.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 8.4 The site is within the Environment Agency's Flood Zone 2/3 indicating a medium to high risk of flooding from the Thames. The proposed scheme includes some alterations to the existing ground floor (although most of this has been already approved under planning permission No.2023/00291/FUL). However, the application site is well protected by flood defences such as the Thames Barrier and local river walls; hence, residual risks are low. As required, a Flood Risk Assessment is submitted with the application, and it sets out a range of mitigation measures that can provide protection in the unlikely event of the site being impacted by flood water.
- 8.5 The Council's Environmental Protection Team have been consulted and state that the FRA is acceptable. However, it is considered that more information on the inclusion of sustainable drainage measures can be included, despite the proposed measures such as green roofs, green walls, and potential for permeable surfaces in courtyard areas and the access road. The inclusion of

the larger green roof areas is a significant addition to the design and further details for these can be secured by condition, including SuDS features to help demonstrate compliance with Policy CC4 of the Local Plan on managing surface water run-off.

Sustainability / Climate Change

- 8.6 Green roofs are supported by London Plan Policy G5 (Urban Greening) which states that they can help to meet other policy requirements and provide a range of benefits including enhanced biodiversity, addressing the urban heat island effect and sustainable drainage.
- 8.7 The scheme is not a major development, so there are no requirements to submit a Sustainability Statement or Energy Assessment to show compliance with local and regional policies on these issues. However, in line with the 'Climate Change' SPD, the Council would still encourage the implementation of sustainability measures such as energy efficiency and carbon curbing measures to address the climate emergency declared by the Council in 2019. In this case, the proposed development incorporates significant measures to minimise greenhouse gas emissions, promote energy use from renewable sources and reduce energy consumption, as well as to promote water efficiency in accordance with London Plan Policy SI 2 and Local Plan Policy CC1.
- 8.8 The proposals would result in an on-site carbon reduction of 35% due to the installation of 88 solar panels, green roofs and walls and upgraded modern fabric to improve heat loss. These measures would be secured by condition.
- 8.9 The proposed scheme is therefore considered acceptable with regards to London Plan Policy SI 2 and G5, as well as Local Plan Policy CC1.

Air Quality

- 8.10 Para. 199 of the NPPF relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. The 'Air Quality Action Plan 2025 - 2030' was approved and adopted by the Council in December 2024. The development site is within the borough wide Air Quality Management Area (AQMA).
- 8.11 Policy CC10 of the Local Plan specifies that the Council will seek to reduce the potential adverse air quality impacts of new development. Notably by requiring developments to be 'air quality neutral' and resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Council's Local Air Quality Management Plan.

- 8.12 The Council's Air Quality Team were consulted on this application and raised no objection, subject to conditions to secure Zero Emission Heating Plant, Ultra-Low Emissions Strategy, Cargo bike infrastructure, and Electric Vehicles Charging Points.
- 8.12 Subject to these conditions, officers accept the proposed development would comply with Policy CC10 of the Local Plan, London Plan Policy SI 1, and the Council's Air Quality Action Plan.

Ecology

- 8.14 Policy OS5 states that the Council will seek to enhance biodiversity and green infrastructure in the borough by:
- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;
 - b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;
 - c. seeking to prevent removal or mutilation of protected trees;
 - d. seeking retention of existing trees and provision of new trees on development sites; and
 - e. adding to the greening of streets and the public realm;
 - f. making Tree Preservation Orders where justified in the interests of amenity.
- 8.15 The applicant has claimed exemption from Biodiversity Net Gain as the proposal would not impact on a priority habitat of less than 25sqm, where the definition of impact is "if the development decreases the biodiversity value of that area". The Council's Ecology Officer has reviewed the application and confirmed that the site does meet the 'de minimis' exemption requirements in this instance; hence no further action is required to improve the biodiversity value of the site.

9. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS

Mayoral and Borough CIL

- 9.1 In this case, the proposed development would be liable to pay Community Infrastructure Levy (CIL) at both the mayoral and borough levels. The Mayoral CIL (MCIL2) rates are applicable to all planning permissions granted from 1 April 2019. The Mayor expects the Council, as the collecting authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £60,720 (plus indexation).

- 9.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule formally took effect from 1st September 2015. However, in this case, the proposed development is exempt from the Borough CIL, as per the Council's CIL charging schedule.

S106 Heads of Terms

- 9.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 9.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.
- 9.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms which are the Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 9.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and reasonably commensurate the scale and type of development proposed. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs and impacts of the proposed development.
- 9.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

9.8 The applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items:

1. 10% of the total increase in floorspace (GIA) as affordable workspace for 10 years at 20% discount to Open Market Rental Value (OMRV), and how this is to be managed and run through a Workspace Management Plan
2. Financial contribution of £30,000 towards local employment, training and local businesses including:
 - at least 10% of the total number of people employed on the construction of the development would be local residents,
 - 3 apprenticeships, 3 paid work and 3 unpaid placements
 - at least 20% of the total number of people employed in the end use of the development would be local residents.
 - 10% of the build cost to be spent on businesses based in H&F in the supply chain of the development
 - 10% local labour during construction phase, including an employment and skills plan
- 3 Operational phase; Local Procurement £4,300 to help with local supply chain activity
4. A commitment to sign up to the Council's Upstream Pathway Bond H&F Upstream Pathway Bond | London Borough of Hammersmith & Fulham, a broad menu of opportunities to help businesses play a meaningful role in supporting the local community in which they operate – and to encouraging end-users of the development to do so

10. CONCLUSION

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

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

10.3 In summary, the proposed development would achieve a sustainable form of development by providing additional employment floorspace and enhancing an existing employment venue for the creative industries which would result in benefits to local economic development. The proposals would be visually acceptable. The scheme is considered to be of a high quality of design which

optimises the capacity of a previously developed land and respects the setting, significance and value of nearby heritage assets (conservation area and listed buildings)

- 10.4 Subject to conditions, the proposed development would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and ecology have also been satisfactorily addressed and will be subject to conditions. In these respects, the proposed scheme complies with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the 'Planning Guidance' (2018), 'Affordable Workspace' (2022) and 'Climate Change' (2023) Supplementary Planning Documents.
- 10.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed and the completion of a s106 agreement.
- 10.6 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

11. RECOMMENDATION

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

Ward: Avonmore

Site Address:

Flat 1 49 - 67 Fitz-George Avenue London W14 0SZ



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For identification purposes only - do not scale.

Reg. No:
2024/01917/FUL

Case Officer:
Anisa Aboud

Date Valid:
31.07.2024

Conservation Area:
Constraint Name: Fitz-George And Fitzjames
Conservation Area - Number 19

Committee Date:
11.02.2025

Applicant:

Mr. Wrennall
Flat 5, 9-27 Fitz-George Avenue London W14 0SZ

Description:

Creation of 1no. self-contained one bedroom flat at lower ground floor level through change of use of the existing basement storage area and excavation and enlargement of the existing basement level; creation of new lightwells and associated installation of new windows and doors, and erection of a bicycle store.

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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

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

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

Proposed Basement Plan - FLAT 1 drg.no 2088-08p-PLAN Rev. E: 15.07.2024,
Proposed Basement - FLAT 1 drg.no 2088-08pG Rev. G: 09.07.2024,
Existing & Proposed Cycle Storage - 2088-sk04E Rev. E: 15.07.2024,
Assessment for the Provision Daylight and Sunlight within the Development at Fitz-George & Fitz-James Avenue dated May 2024 prepared by Herrington Consulting Limited Rev 1.

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 relevant part of the works, details of the following external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council.

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 and DC4 of the Local Plan (2018).

- 4) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

- 5) The development hereby permitted shall comply with the approved Flood Risk Assessment dated May 2016 (Issue 2, Rev 1) prepared by Herrington Consulting Limited and Flood Risk Addendum dated 28 June 2024 ref. TV/0604_Jun24_r0. The FRA shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 6) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Zero Emission Air Source Heat Pump, Heat Battery Boiler or Electric boiler for the supply of space heating and hot water for the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 7) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stoves in the kitchen of the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 8) 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 self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
- b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
- c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
- d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 9) Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as included in the approved ventilation strategy as required by condition 8 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 10) No part of the development hereby approved shall be occupied until details of secure storage for two cycles has been submitted to, and approved in writing by, the council. Thereafter, the development shall not be occupied until the cycle storage has been provided in accordance with the agreed details, and permanently retained as such thereafter.

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

- 11) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

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

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

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

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

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

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

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

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

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

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

- 18) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, 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. Thereafter the approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w} + C_{tr}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 21) Prior to the commencement of development an updated Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the rainwater harvesting measures, soft landscaping and permeable surfaces. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided. The development shall be carried out and subsequently maintained in accordance with these approved details.

To reduce the impact of flooding in the area, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

- 22) The development shall be carried out and completed in full accordance with the details contained within the approved 'PLANNING FIRE SAFETY STATEMENT FOR PLANNING APPLICATION' (dated April 2023). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) and Local Plan (2018) target of 1,609 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).

Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Policy D6 of the London Plan (2021) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.

Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to completion of a unilateral undertaking restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018) and Policy T6.1 of London Plan (2021).

Design and Heritage: The proposed development would result in limited changes to the appearance of the host property. As such the proposals would not result in harm to character and appearance of the Fitz-George and Fitzjames conservation area, and significance of area would be preserved. The development is considered compliant with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and acceptable in accordance with the NPPF (2024), London Plan (2021), Local Plan (2018) Policy DC8.

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

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

Application form received: 30th July 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: |
|---|---------------|
| Thames Water - Development Control | 05.08.24 |
| Crime Prevention Design Advisor - Hammersmith | 15.08.24 |
| Environment Agency - Planning Liaison | 09.08.24 |

Neighbour Comments:

| Letters from: | Dated: |
|--|---------------|
| 1A Fitzjames Avenue London W14 0RP | 23.08.24 |
| 27 Cairn Hill Newry County Down BT34 2ST | 24.08.24 |
| 27 Cairn Hill Newry BT34 2ST | 24.08.24 |
| 35 Fitzjames Avenue London W14 0RR | 03.09.24 |
| 14 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 25 Fitzgeroge Avenue London W14 0SY | 03.09.24 |
| 57 Fitzgeorge Avenue London W14 0SZ | 03.09.24 |
| 17 Fitzjames Avenue London W14 0RP | 24.08.24 |
| 53 Fitzgeorge Avenue London W14 0SZ | 24.08.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 13 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 39 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 17 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 59 Fitzgeorge Avenue London W14 0SZ | 31.08.24 |
| 20 FitzGeorge Avenue London W14 0SN | 02.09.24 |

| | |
|---------------------------------------|----------|
| 45 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 58 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 63 Fitz-George Avenue London W14 0SZ | 03.09.24 |
| 30 Fitz James Avenue London W14 0RR | 31.08.24 |
| 42 Fitz-James Avenue London W14 0RR | 01.09.24 |
| 28 Fitzgeorge Avenue London W14 0SN | 01.09.24 |
| 32 Fitzjames Avenue London W14 0RR | 02.09.24 |
| 15 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 36 Fitzjames Avenue London W14 0RR | 24.08.24 |
| 66 Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 15 Via Roma Griante 22011 | 30.08.24 |
| 24 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 46 Brackenbury Road London W6 0BB | 23.08.24 |
| 2 Fitz-George Avenue London W14 0SN | 29.08.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 20 Fitzgeorge Avenue London W14 0SN | 29.08.24 |
| 9 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 37 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 6 Fitzgeorge Avenue London W14 0SN | 04.09.24 |
| 6 Fitzgeorge Avenue London W14 0SN | 04.09.24 |
| 23 Melbury Road London W14 8AB | 26.08.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 68 Fitz-George Ave London W14 0SW | 25.08.24 |
| 11 Fitzgeorge Avenue London W140SY | 28.08.24 |
| 40 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 39 Fitzgeorge Avenue London W140SZ | 01.09.24 |
| 23A Fitzgeorge Avenue London W14 0SY | 01.09.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 31.08.24 |
| 31 Fitz-george Avenue London W14 0SZ | 27.08.24 |
| 57A Fitz-george Avenue London W14 0SZ | 04.09.24 |
| 51a Fitzgeorge Avenue London W14 0SZ | 02.09.24 |
| 48 Fitzjames Avenue, London W14 0RR | 30.08.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 21.09.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 22.08.24 |
| 24 Fitzjames Ave London W14 0RP | 27.08.24 |
| 19a Fitzgeorge avenue London W14 0SY | 22.08.24 |
| 2 Fitzgeorge Avenue London W14 0SN | 25.08.24 |
| 5B Fitzjames Avenue London W14 0RP | 02.09.24 |
| 68a Fitzgeorge Avenue London W14 0SW | 29.08.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 23.08.24 |
| 49A Fitzgeorge Avenue London W14 0SZ | 26.08.24 |
| 43 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 5 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 27 Fitzjames Avenue London W14 0RR | 29.08.24 |

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application relates to a 6-storey mansion block on the southern side of Fitz-George Avenue (Nos. 49-67).
- 1.2 The site is located within the Fitz-George and Fitzjames Conservation Area. The boundary of the Gunter Estate Conservation Area is to the South and West of the site.
- 1.3 The site does not contain any statutory or locally listed buildings.
- 1.4 The site is within the Environment Agency's Flood Zone 2.
- 1.5 Fitz-George Avenue also benefits from excellent public transport accessibility (PTAL rating of 6a according to Transport for London's methodology).
- 1.6 This application is for the creation of 1no. self-contained one bedroom flat through excavation and enlargement of the existing basement and creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store. This application proposal is known as 'Flat 1'.
- 1.7 Applications for similar proposals on adjacent parts of the site have also been submitted and are being considered alongside this one, as follows:
 - Flat 2 (Ref. 2024/01918/FUL)
 - Flat 4 (Ref. 2024/01919/FUL)
 - Flat 5 (Ref. 2024/01923/FUL)

2.0 RELEVANT PLANNING HISTORY

- 2.1 A series of applications have been previously been submitted for the creation of new flats at basement/ lower ground floor level around the Fitz-George and Fitzjames estate.
- 2.2 In relation to this specific site, the council defended an appeal for non-determination on 3rd November 2023 for the same development that is now proposed (Ref. 2023/00916/FUL). It was refused on the following grounds:
 - i) The proposal would include a substandard residential accommodation and generally poor living conditions in proposed self-contained flat, which would fail to provide adequate outlook, natural light and ventilation for future occupiers. More particularly, in the absence of a Daylight and Sunlight Report in line with the 3rd edition of the BRE guidance on daylight & sunlight amenity published June 2022, it is considered that this residential unit would therefore give rise to unacceptably low standards of accommodation for future occupiers to the detriment of their residential amenity and general well-being. The proposal is therefore contrary to Policies HO4 and HO11 of the Local Plan (2018).

- ii) In the absence of adequate and insufficient information from the submitted Flood Risk Assessment which fails to demonstrate that the risk to life can be managed, and to appropriately consider, avoid and/or minimise all potential risks of flooding, especially from groundwater and sewer flooding, given that the basement level would include sleeping accommodation, the scheme would be unacceptable in terms of flood risk. This is contrary to Policies CC3 and CC4 of the Local Plan (2018) and Key Principle FR1 of the 'Planning Guidance' Supplementary Planning Document (2018).
- iii) In the absence of a signed legal agreement through a Unilateral Undertaking under Section 106, removing residential car parking permit rights, the proposal fails to demonstrate that the scheme would be car-free and would not increase vehicular movements or adversely impact on on-street car parking demands and highway conditions, to the detriment of sustainable transport modes, the free flow of traffic, cyclist, pedestrian and highway safety. This would also increase the risk of poor localised air quality generated by motor vehicle journeys in the area. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

2.3 The appeal was dismissed by the Planning Inspectorate (Appeal Ref. 3325474). The Inspector's only ground for dismissing the appeal was insufficient evidence to demonstrate the proposal would receive sufficient levels of daylight and sunlight. The Inspector did not agree with the council's other reasons for refusal and found the proposals to be acceptable in all other respects. The Inspector's decision carries significant weight in the determination of this application.

3.0 PUBLICITY AND CONSULTATION RESPONSES

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

3.2 A total of 66 individual objection comments were received from the following addresses:

- 2, 3, 5, 6, 9, 11, 13, 14, 15, 15a, 19a, 20, 21, 23, 23a, 25, 28, 37, 49a, 51a, 53, 57, 57a, 58, 59, 63, 64a, 66, 68, 68a Fitz-George Avenue;
- 1a, 5b, 17, 24, 27, 30, 31, 32, 35, 36, 39, 40, 42, 43, 45, 48 Fitzjames Avenue;
- 27 Cairn Hill, Newry, Northern Ireland.
- 46 Brackenbury Road,
- 23 Melbury Road,
- 15 Via Roma Griante, Italy.

3.3 The objections can be summarised as follows:

- The space in the car park will be reduced making it difficult for residents to navigate in and out of their assigned spaces;
- Noise, nuisance and parking stress for existing residents during construction;
- The location of the proposed external amenity spaces will significantly impact those living in the flats above;
- The proposed development is unsuitable for a flood risk area;
- There are practical construction issues that could prevent the implementation of the scheme;

- The structure of the building may be compromised.
- Poor quality of flat to be created, in terms of lack of outlook and natural light.
- The proposal represents overdevelopment on a street which already has a large number of people living here. The creation of new flats will place pressure on refuse storage and street parking stress.
- Disruption and nuisance during construction works, including excavation of basement and alterations to existing rear access.
- There is a general lack of detail as to how it would be technically feasible to carry out the development. No details are provided of how hot water and heating pipes would be re-routed, and the proposed internal access for the new flat would appear to conflict with the likely overrun of the lift shaft.

3.4 Case Officer response: The material planning matters raised above will be addressed in the report below. Concerns regarding the impact of the development on party walls, or the structure of adjacent flats, may be properly addressed by means of an agreement under the Party Wall Act 1996 and are not material to the planning process, however, residents' concerns are noted. Similarly, questions over the practicalities of implementing the scheme are not a matter to be considered as part of the planning application.

3.5 External consultation responses were as follows:

Thames Water - No objection with regards to sewerage or water infrastructure capacity.

Environment Agency - No objection.

The Metropolitan Police's Crime Prevention Design Advisor - no objection and made some recommendations relating to the use of SBC accredited products.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues that must be assessed in considering this proposal are:

- The principle of a new residential unit in this location;
- The acceptability of the proposed basement development in terms of scale and impact on the local, natural and historic environment, and flood risk;
- The quality of the proposed residential unit in terms of floor area, light, outlook, access, floor to ceiling height, amenity space, and refuse storage;
- Highways matters including car parking and cycle parking.

4.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.

4.3 The provision of an additional residential unit would contribute toward the abovementioned targets. As such, the proposed development is considered acceptable and in accordance with Policy HO1 of the Local Plan (2018) subject to the proposals according with other relevant provisions of the adopted Development Plan and other material planning considerations raised.

ACCEPTABILITY OF BASEMENT DEVELOPMENT

+ Extent

4.4 The proposal would involve excavating underneath part of the mansion block. Two lightwells would be excavated to provide light and amenity space for the flat. In addition, the proposed amenity space would also function as a type of secondary lightwell. Save for the new lightwells, excavation would be contained underneath the footprint of the existing building, in accordance with Criterion a) of Local Plan Policy DC11.

+ Design and Heritage

4.5 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.

4.6 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.

4.7 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 section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

4.9 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). 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.

4.10 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.

4.11 The application site is located in the Fitz-George and Fitzjames conservation area and does not include any designated or non-designated heritage assets.

+ Fitz-George and Fitzjames conservation area

4.12 The conservation was designated in September 1982 with its historic significance and character focussed upon the plan form, use and architectural character of the large mansion block, flatted properties. Development of the area established the creation of a complete street of privately owned residential mansion flats of intricate plan and varied composition, all designed by the same firm of architects albeit over a period of 30 years. The mansion blocks provide a rich townscape of interest and maintain their original appearance and features. The mature tree lined street and the scale of development provides a relaxed urban atmosphere.

+ Assessment of harm

4.13 In terms of the impact of the development upon the character and appearance of the conservation area, the proposals seek to create a new residential flat through enlargement of an existing basement, excavation of new lightwells and introduction of new/enlarged windows and doors. The location of the basements to the rear of the host building mean that any changes to the building would not be readily visible in public views of the site and would not impact upon the high-quality street environment and local townscape of Fitz-George Avenue.

4.14 Furthermore, there are no trees in the immediate vicinity of the site which stand to be affected through the proposed excavation underneath the building.

4.15 The physical changes to the building are limited in scope. The further excavation of existing basements and the proposed lightwells would be mostly concealed from views from the service road to the rear of the building and their excavation alongside the introduction of new/enlarged windows and doors would not result in any impact upon the key architectural features of the host building.

4.16 As such, the proposals are not considered to result in any harm to the character and appearance of the conservation area; and its historic significance would be preserved.

4.17 For these reasons, Officers are satisfied that the character and appearance of the conservation area would be preserved with due regards to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with the NPPF (2024), London Plan (2021), and Local Plan Policy DC8.

+ Neighbouring amenity

4.18 Criterion e) of Policy DC11 also states that new basement accommodation will only be permitted where there is no adverse impact on the amenity of adjoining properties. Policies HO11 and DC4 also concern the protection of existing residential amenities. In this case, the main issue is noise. The new flat has the potential to create noise disturbance to habitable rooms within the ground floor flat directly above, although no details are given about what rooms are located immediately above the proposed flat. If the development was found to be acceptable in all other respects, a condition could be attached regarding enhanced sound insulation to be installed within the ceiling structure separating the new and existing flats to ensure that noise disturbance did not occur from the living activities inside the flat.

4.19 Representations received have also raised concern about the proximity of the proposed amenity spaces, to those windows directly above which belong to the ground floor flats. The proposed amenity space would be positioned directly underneath residential windows to the ground floor flats above, and it is considered that the creation of a new outdoor amenity space, which could be used for sitting out, small parties, and activities such as smoking, would have some level of impact upon the ground floor flats in terms of noise disturbance, loss of privacy and the quiet enjoyment of their flat. However, on balance, given the planning history and previous consent Officers are unable to sustain a refusal on this basis and accept on balance the proposed private amenity spaces would not result in demonstrable harm to existing neighbouring properties amenity.

4.20 With regards to the impact of construction, in terms of noise disturbance and other nuisances such as dust, if the application were to be approved, the Council would require a Construction Management Plan to be agreed, to ensure the amenities of residents are protected as far as possible throughout the construction phase. It has been raised that the occupants of the ground floor flat immediately above the proposed excavation may be required to move out altogether while floors are removed and reconstructed above the basement. This impact would be properly addressed by means of a Party Wall Agreement and is not considered to be a material planning consideration in this case.

QUALITY OF THE NEW RESIDENTIAL UNIT

4.21 Policy HO11 states that floor areas and room sizes in new build dwellings, conversions and changes of use, must meet the Nationally Described Space Standards (NDSS) requirements which is replicated in the London Plan where relevant. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.sqm and at least one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. According to the NDSS and Policy D6 of the London Plan, the minimum GIA floorspace as per below are applicable to the scheme:

+ Size

4.22 The proposed one-bedroom flat would have a Gross Internal Area of 40.2 sq.m, which would be in accordance with the London Plan (2021) requirements and the DCLG's nationally described space standard for this type of flat. Assuming this is a one bed one person flat. The bedroom would be 12.1 sq.m, which would exceed the 11 sqm minimum requirement for a double bedroom and certainly for the 7.5sqm single bedroom minimum requirement. The proposed bedroom is considered to be satisfactory. The submitted section shows that the floor-to-ceiling height would be a uniform 2.3m throughout the flat, which is considered to be satisfactory.

+ Amenity space, daylight and sunlight, outlook

4.23 The proposed flat would be located entirely below ground floor level with lightwells forming the only source of natural light. The unit comprises two private outdoor amenity spaces to the east and west of the unit in the form of a terraced area, which totals 21.8 sqm. The proposed amenity space areas are significantly larger than the 5 sqm minimum size required by the London Plan and LBHF Planning Guidance SPD Policy HS1.

4.24 Furthermore, the basement bedroom would have its main source of light from the windows looking onto the private amenity space to the east. In respect of light and outlook to the new unit, Officers previously raised concerns with the earlier application that it's outlook would be poor. Although the lightwell would be open to the sky with no obstructions, it would be enclosed on three sides by the elevations of the existing building as well as by the railings that would be necessary to surround the lightwell. The Planning Inspector in determining the appeal previously stated: "7. An Assessment for the Provision Daylight and Sunlight dated November 2021 (the Assessment) has been submitted in support of the scheme. The Council had raised concerns that the Assessment does not reflect updated BRE guidance published in June 2022 which refers to new daylight and sunlight tests. The windows in the east elevation would be restricted by the adjacent high wall, the lightwells are small in size and the doors onto the amenity space to the west would be overshadowed by the existing stairwell for the main building. From the evidence before me, I am not satisfied that the proposal would receive sufficient levels of daylight and sunlight, and this would compromise the living conditions of future occupiers of the flat."

4.25 Accordingly, an updated Daylight and Sunlight Report was submitted in support of the current application that showed the internal light levels would be within acceptable limits. This overcomes the reason for refusal the Inspector dismissed the previous appeal on.

4.26 The Daylight and Sunlight Report dated May 2024 by Herrington Consulting Ltd concludes that both bedrooms and the living/ dining/ kitchen area within the new flat would have adequate daylight according to the illuminance calculations. For each room type 50% or more of the assessment area needs to meet or exceed the target illuminance value for the room type (100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens), as follows:

- Bedroom: 61% of the room would meet the required lux levels.
- Kitchen/Living/ dining room: 90% of the room would meet the required lux levels.

4.27 Therefore, the proposal would meet the minimum daylight levels required in line with the BRE standards. With regards to sunlight, the BRE requirements for sunlight are that at least one main window faces within 90 degrees of due south and that a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on the 21st March. The submitted daylight and sunlight report demonstrates that the proposed development would meet the above minimum requirements. The bedroom would receive 2.9 hours of sunlight on the 21st March and the combined living room, kitchen, diner would receive 1.7 hours of sunlight on the 21st March. As such, the proposal overcomes the Inspectors previous reason for dismissing the appeal.

4.28 In light of the planning history and the updated daylight and sunlight report, on balance, the proposal would result in satisfactory standard of accommodation.

HIGHWAYS AND TRANSPORTATION

+ Car parking for new flat

4.29 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T3 of the Local Plan (2018) specifies that new development should include the provision of convenient, accessible, safe and secure cycle storage within the boundary of the application site, in accordance with the London Plan cycle parking standards.

4.30 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available. In such instances, maximum residential car parking standards as set out the London Plan should be met.

4.31 The London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking.

4.32 The site is in a Controlled Parking Zone (Zone E) in operation 9am to 8pm, Monday to Saturday. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. This therefore justifies a car-free scheme which can be secured by restricting future car parking permits right for disabled parking only to those possessing a blue badge.

4.33 The Council will expect the residential units to be proposed as car-free and this needs to be secured by the signing of a Unilateral Undertaking (UU). This is the only mechanism the Council uses for securing car-free development. The signed Unilateral Undertaking (UU) would ensure the proposal adheres to both the Local Plan and London Plan policies regarding car parking for car-free residential development and is also beneficial to reduce air pollution from vehicle emissions. The applicant has agreed to enter into a Unilateral undertaking and has provided a draft UU. This would ensure the proposal is car-free and does not lead to increase demands in on-street car parking which would have an impact on highways safety and condition, as well as on localised air quality which is currently poor. The proposal is therefore in accordance with Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

+ Cycle parking

4.34 A new freestanding, covered cycle store with space for two cycles is proposed to be erected adjacent to the flank wall of the mansion block at ground floor level, just to the South of the new lightwell. This new store would be sufficient to meet the requirements of Local Plan Policy T3. If the application were acceptable in all other respects, a condition would be attached requiring details to be submitted.

+ Refuse storage

4.35 In terms of refuse storage, it is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal. For these reasons no objections are raised in terms of Local Plan Policy CC7.

+ Air quality

4.36 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.37 The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

4.38 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Hammersmith Road (A315) and North End Road (B317). The development proposal would introduce new residential receptors into an area of existing poor air quality.

4.39 At the proposed development site, the councils 2030 annual mean Air Quality targets for the air pollutants Nitrogen Dioxide (NO₂) - 10ug/m³, Particulates (PM₁₀) - 15ug/m³ and PM_{2.5} - 5ug/m³ are exceeded. Further Mitigation measures would be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1 , and the councils Air Quality Action Plan.

4.40 The Council's Air Quality team have reviewed the application and suggested conditions to secure details of air quality mitigations.

+ Flood risk

4.41 This site is in the Environment agency's Flood Zone 2. The proposals are to create a new dwelling at lower ground floor level. As required, a Flood Risk Assessment (FRA) has been provided with the application. Whilst this dated from 2016 it is accompanied by an Addendum from 2024. The Addendum provides an update on the previously submitted FRA noting that the flood risks remain the same as before. The Environment Agency published new breach modelling for the River Thames in 2017 which has been considered but the site would not be impacted in the event of a breach of flood defences. Surface water, groundwater and sewer flood risks also remain as low. Nevertheless, some flood mitigation measures are proposed, which are considered to be appropriate.

4.42 Overall, the FRA can be accepted and a condition is included requiring the implementation of the measures as outlined. However, a condition is also attached requiring a further detailed SuDs strategy to be submitted, in order to maximise opportunities for urban greening and flood resilience in line with Local Plan (2018) policy CC3 and Policies SI 5 and SI 13 of the London Plan (2021).

+ Contamination

4.43 Local Plan Policy CC4 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

4.44 Key principles LC 1-6 of the Planning Guidance SPD identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.

4.45 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. Therefore, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are attached covering the assessment and remediation of contaminated land.

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

FIRE SAFETY

4.47 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.

4.48 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.

4.49 A 'Fire Strategy Statement' has been submitted as part of the application, outlining the details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). The new dwelling will be provided with a Home Fire Safety Pack - comprising of 2kg Dry Powder fire extinguisher and a British Standard hard case fire blanket. Residents will be made aware of the location of this equipment. Given the nature of the proposal, officers are satisfied that the proposed development would satisfy London Plan Policy D12, Part A.

5.0 RECOMMENDATION

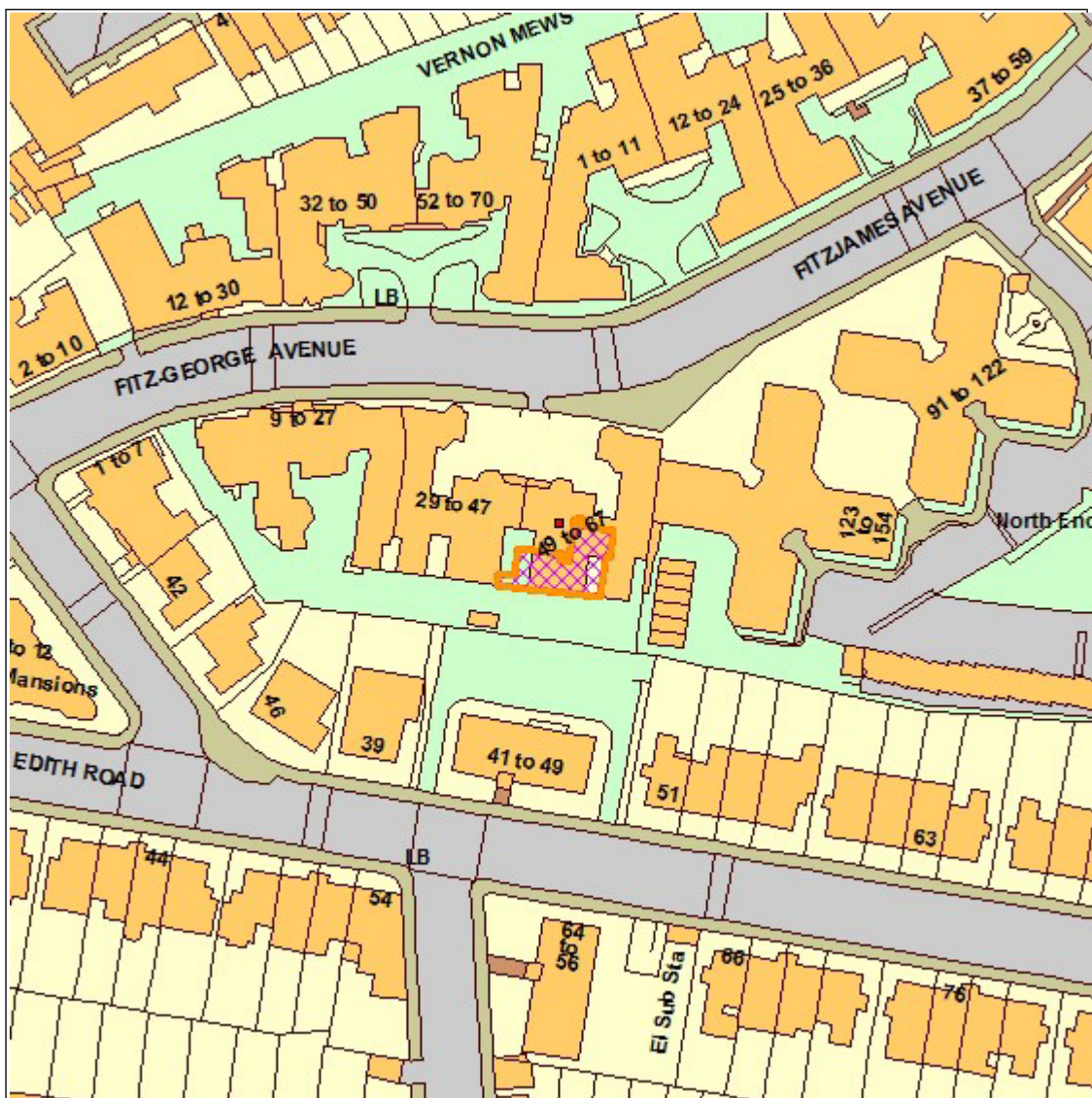
5.1 On balance, in light of the above, Officers recommend that planning permission be granted for this development subject to conditions and a unilateral undertaking.

Agenda Item 8

Ward: Avonmore

Site Address:

Flat 2 49 - 67 Fitz-George Avenue London W14 0SZ



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Reg. No:
2024/01918/FUL

Case Officer:
Anisa Aboud

Date Valid:
31.07.2024

Conservation Area:
Constraint Name: Fitz-George And Fitzjames
Conservation Area - Number 19

Committee Date:
11.02.2025

Applicant:

Mr. Wrennall

Flat 5, 9-27 Fitz-George Avenue London W14 0SZ

Description:

Creation of 1no. self-contained one bedroom flat at lower ground floor level through change of use of the existing basement storage area and excavation and enlargement of the existing basement level; creation of new lightwells and associated installation of new windows and doors; erection of a bicycle store.

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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

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

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

Proposed Basement Plan - FLAT 2 drg.no 2088-10p-PLAN Rev. H: 15.07.2024,
Proposed Basement - FLAT 2 drg.no 2088-10pF Rev. F: 09.07.2024,
Existing and proposed cycle storage Plan - drg.no 2088-sk05D,
Assessment for the Provision Daylight and Sunlight within the Development at Fitz-George & Fitz-James Avenue dated June 2024 prepared by Herrington Consulting Limited Rev 1.

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 relevant part of the works, details of the following external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council.

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 and DC4 of the Local Plan (2018).

- 4) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

- 5) The development hereby permitted shall comply with the approved Flood Risk Assessment dated December 2017 (Issue 7, Rev 5) prepared by Herrington Consulting Limited and Flood Risk Addendum dated 28 June 2024 ref. TV/0604_Jun24_r0. The FRA shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 6) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Zero Emission Air Source Heat Pump, Heat Battery Boiler or Electric boiler for the supply of space heating and hot water for the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 7) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stoves in the kitchen of the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 8) 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 self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:
- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
 - b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
 - c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
 - d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 9) Prior to the occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as included in the approved ventilation strategy as required by condition 8 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 10) No part of the development hereby approved shall be occupied until details of secure storage for two cycles has been submitted to, and approved in writing by, the council. Thereafter, the development shall not be occupied until the cycle storage has been provided in accordance with the agreed details, and permanently retained as such thereafter.

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

- 11) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 18) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, 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. Thereafter the approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w} + C_{tr}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 21) Prior to the commencement of development an updated Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the rainwater harvesting measures, soft landscaping and permeable surfaces. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided. The development shall be carried out and subsequently maintained in accordance with these approved details.

To reduce the impact of flooding in the area, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

- 22) The development shall be carried out and completed in full accordance with the details contained within the approved 'PLANNING FIRE SAFETY STATEMENT FOR PLANNING APPLICATION' (dated April 2023). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) and Local Plan (2018) target of 1,609 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).

Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Policy D6 of the London Plan (2021) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.

Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to completion of a unilateral undertaking restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018) and Policy T6.1 of London Plan (2021).

Design and Heritage: The proposed development would result in limited changes to the appearance of the host property. As such the proposals would not result in harm to character and appearance of the Fitz-George and Fitzjames conservation area, and significance of area would be preserved. The development is considered compliant with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and acceptable in accordance with the NPPF (2024), London Plan (2021), Local Plan (2018) Policy DC8.

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

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

Application form received: 30th July 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: |
|---|---------------|
| Thames Water - Development Control | 05.08.24 |
| Crime Prevention Design Advisor - Hammersmith | 15.08.24 |
| Environment Agency - Planning Liaison | 09.08.24 |

Neighbour Comments:

| Letters from: | Dated: |
|--|---------------|
| 27 Cairn Hill Newry County Down BT34 2ST | 24.08.24 |
| 46 Brackenbury Road London W6 0BB | 23.08.24 |
| 1A Fitzjames Avenue London W14 0RP | 23.08.24 |
| 66 Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 66 Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 01.09.24 |
| 20 FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 32 Fitzjames Avenue London W14 0RR | 02.09.24 |
| 40 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 68a Fitzgeorge Avenue London W14 0SW | 29.08.24 |
| 57 Fitzgeorge Avenue London W14 0SZ | 03.09.24 |
| 53 Fitzgeorge Avenue London W14 0SZ | 24.08.24 |
| 17 Fitzjames Avenue London W14 0RP | 24.08.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 22.08.24 |
| 13 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 39 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 20 Fitzgeorge Avenue London W14 0SN | 29.08.24 |
| 30 Fitz James Avenue London W14 0RR | 31.08.24 |

| | |
|--------------------------------------|----------|
| 25 Fitzgeorge Avenue London W14 0SY | 03.09.24 |
| 45 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 48 Fitzjames Avenue, London W14 0RR | 30.08.24 |
| 2 Fitz-George Avenue London W14 0SN | 29.08.24 |
| 28 Fitzgeorge Avenue London W14 0SN | 01.09.24 |
| 15 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 63 Fitz-George Avenue London W14 0SZ | 03.09.24 |
| 14 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 14 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 27 Cairn Hill Newry BT34 2ST | 24.08.24 |
| 24 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 12A FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 42 Fitz-James Avenue London W14 0RR | 01.09.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 35 Fitzjames Avenue London W14 0RR | 03.09.24 |
| 58 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 17 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| Via Roma 15 Griante - Italy 22011 | 31.08.24 |
| 39 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 6 Fitzgeorge Avenue London W14 0SN | 04.09.24 |
| 23 Melbury Road London W14 8AB | 26.08.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 16 Fitzjames Avenue London W14 0RP | 26.08.24 |
| 37 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 51a Fitzgeorge Avenue London W14 0SZ | 02.09.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 2 Fitzgeorge Avenue London W14 0SN | 25.08.24 |
| 49A Fitzgeorge Avenue London W14 0SZ | 26.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 5B Fitzjames Avenue London W14 0RP | 02.09.24 |
| 31 Fitz-george Avenue London W14 0SZ | 27.08.24 |
| 24 Fitzjames Avenue London W14 0RP | 27.08.24 |
| 9 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 31.08.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 68 Fitz-George Avenue London W14 0SW | 25.08.24 |
| 11 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 21.09.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 42 Fitzgeorge Avenue London W14 0SY | 23.08.24 |
| 36 Fitzjames Avenue London W14 0RR | 24.08.24 |
| 5 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 27 Fitzjames Avenue London W14 0RR | 29.08.24 |

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application relates to a 6-storey mansion block on the southern side of Fitz-George Avenue (Nos. 49-67).
- 1.2 The site is located within the Fitz-George and Fitzjames Conservation Area. The boundary of the Gunter Estate Conservation Area is to the South and West of the site.
- 1.3 The site does not contain any statutory or locally listed buildings.
- 1.4 The site is within the Environment Agency's Flood Zone 2.
- 1.5 Fitz-George Avenue also benefits from excellent public transport accessibility (PTAL rating of 6a according to Transport for London's methodology).
- 1.6 This application is for the creation of 1no. self-contained one bedroom flat through excavation and enlargement of the existing basement and creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store. This application proposal is known as 'Flat 2'.
- 1.7 Applications for similar proposals on adjacent parts of the site have also been submitted and are being considered alongside this one, as follows:
 - Flat 1 (Ref. 2024/01917/FUL)
 - Flat 4 (Ref. 2024/01919/FUL)
 - Flat 5 (Ref. 2024/01923/FUL)

2.0 RELEVANT PLANNING HISTORY

- 2.1 A series of applications have been previously been submitted for the creation of new flats at basement/ lower ground floor level around the Fitz-George and Fitzjames estate.
- 2.2 In relation to this specific site, the council defended an appeal for non-determination on 3rd November 2023 for the same development that is now proposed (Ref. 2023/00915/FUL). It was refused on the following grounds:
 - i) The proposal would include a substandard residential accommodation and generally poor living conditions in proposed self-contained flat, which would fail to provide adequate outlook, natural light and ventilation for future occupiers. More particularly, in the absence of a Daylight and Sunlight Report in line with the 3rd edition of the BRE guidance on daylight & sunlight amenity published June 2022, it is considered that this residential unit would therefore give rise to unacceptably low standards of accommodation for future occupiers to the detriment of their residential amenity and general well-being. The proposal is therefore contrary to Policies HO4 and HO11 of the Local Plan (2018).

- ii) In the absence of adequate and insufficient information from the submitted Flood Risk Assessment which fails to demonstrate that the risk to life can be managed, and to appropriately consider, avoid and/or minimise all potential risks of flooding, especially from groundwater and sewer flooding, given that the basement level would include sleeping accommodation, the scheme would be unacceptable in terms of flood risk. This is contrary to Policies CC3 and CC4 of the Local Plan (2018) and Key Principle FR1 of the 'Planning Guidance' Supplementary Planning Document (2018).
 - iii) In the absence of a signed legal agreement through a Unilateral Undertaking under Section 106, removing residential car parking permit rights, the proposal fails to demonstrate that the scheme would be car-free and would not increase vehicular movements or adversely impact on on-street car parking demands and highway conditions, to the detriment of sustainable transport modes, the free flow of traffic, cyclist, pedestrian and highway safety. This would also increase the risk of poor localised air quality generated by motor vehicle journeys in the area. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).
- 2.3 The appeal was dismissed by the Planning Inspectorate (Appeal Ref. 3325475). The Inspector's only ground for dismissing the appeal was insufficient evidence to demonstrate the proposal would receive sufficient levels of daylight and sunlight. The Inspector did not agree with the council's other reasons for refusal and found the proposals to be acceptable in all other respects. The Inspector's decision carries significant weight in the determination of this application.

3.0 PUBLICITY AND CONSULTATION RESPONSES

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

3.2 A total of 63 individual objection comments were received from the following addresses:

- 2, 3, 5, 6, 9, 11, 13, 14, 15, 15a, 19a, 20, 21, 23, 23a, 25, 28, 37, 49a, 51a, 53, 57, 57a, 58, 59, 63, 64a, 66, 68, 68a Fitz-George Avenue;
- 1a, 5b, 17, 24, 27, 30, 31, 32, 35, 36, 39, 40, 42, 43, 45, 48 Fitzjames Avenue;
- 27 Cairn Hill, Newry, Northern Ireland.
- 46 Brackenbury Road,
- 23 Melbury Road,
- 15 Via Roma Griante, Italy.

3.3 The objections can be summarised as follows:

- The space in the car park will be reduced;
- The location of the proposed external amenity spaces will significantly impact those living in the flats above;
- The proposed development is unsuitable for a flood risk area;
- There are practical construction issues that could prevent the implementation of the scheme;
- The structure of the building may be compromised.

- Poor quality of flat to be created, in terms of lack of outlook and natural light. The outlook will be depressing, onto a service road, with severely limited daylight and sunlight. The necessary walkways will serve as partial roofs over the amenity spaces reducing natural light, and the proposal to replace with glass will do little to improve this situation.
- The proposal represents overdevelopment on a street which already has a large number of people living here, pressure on refuse storage and street parking stress.
- Disruption and nuisance during construction works, including excavation of basement and alterations to existing rear access. Residents of flats above will be required to vacate, party wall agreements will be required.
- There is a general lack of detail as to how it would be technically feasible to carry out the development. No details are provided of how hot water and heating pipes would be re-routed, and the proposed internal access for the new flat would appear to conflict with the likely overrun of the lift shaft.

3.4 Case Officer response: The material planning matters raised above will be addressed in the report below. Concerns regarding the impact of the development on party walls, or the structure of adjacent flats, may be properly addressed by means of an agreement under the Party Wall Act 1996 and are not material to the planning process, however, residents' concerns are noted. Similarly, questions over the practicalities of implementing the scheme are not a matter to be considered as part of the planning application.

3.5 External consultation responses were as follows:

Thames Water - No objection with regards to sewerage or water infrastructure capacity.

Environment Agency - No objection.

The Metropolitan Police's Crime Prevention Design Advisor - no objection and made some recommendations relating to the use of SBC accredited products.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues that must be assessed in considering this proposal are:

- The principle of a new residential unit in this location;
- The acceptability of the proposed basement development in terms of scale and impact on the local, natural and historic environment, and flood risk;
- The quality of the proposed residential unit in terms of floor area, light, outlook, access, floor to ceiling height, amenity space, and refuse storage;
- Highways matters including car parking and cycle parking.

4.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.

- 4.3 The provision of an additional residential unit would contribute toward the abovementioned targets. As such, the proposed development is considered acceptable and in accordance with Policy HO1 of the Local Plan (2018) subject to the proposals according with other relevant provisions of the adopted Development Plan and other material planning considerations raised.

ACCEPTABILITY OF BASEMENT DEVELOPMENT

+ Extent

- 4.4 The proposal would involve excavating underneath part of the mansion block. Two lightwells would be excavated to provide light and amenity space for the flat. In addition, the proposed amenity space would also function as a type of secondary lightwell. Save for the new lightwells, excavation would be contained underneath the footprint of the existing building, in accordance with Criterion a) of Local Plan Policy DC11.

Design and Heritage

- 4.5 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.
- 4.6 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.
- 4.7 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 section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.9 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). 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.

4.10 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 Fitz-George and Fitzjames conservation area and does not include any designated or non-designated heritage assets.

+ Fitz-George and Fitzjames conservation area

4.11 The conservation was designated in September 1982 with its historic significance and character focussed upon the plan form, use and architectural character of the large mansion block, flatted properties. Development of the area established the creation of a complete street of privately owned residential mansion flats of intricate plan and varied composition, all designed by the same firm of architects albeit over a period of 30 years. The mansion blocks provide a rich townscape of interest and maintain their original appearance and features. The mature tree lined street and the scale of development provides a relaxed urban atmosphere.

+ Assessment of harm

4.12 In terms of the impact of the development upon the character and appearance of the conservation area, the proposals seek to create a new residential flat through enlargement of an existing basement, excavation of new lightwells and introduction of new/enlarged windows and doors.

4.13 The location of the basements to the rear of the host building mean that any changes to the building would not be readily visible in public views of the site and would not impact upon the high-quality street environment and local townscape of Fitz-George Avenue

4.14 Furthermore, there are no trees in the immediate vicinity of the site which stand to be affected through the proposed excavation underneath the building.

4.15 The physical changes to the building are limited in scope. The further excavation of existing basements and the proposed lightwells would be mostly concealed from views from the service road to the rear of the building and their excavation alongside the introduction of new/enlarged windows and doors would not result in any impact upon the key architectural features of the host building.

4.16 As such, the proposals are not considered to result in any harm to the character and appearance of the conservation area; and its historic significance would be preserved.

4.17 For these reasons, Officers are satisfied that the character and appearance of the conservation area would be preserved with due regards to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with the NPPF (2024), London Plan (2021), and Local Plan Policy DC8.

+ Neighbouring amenity

4.18 Criterion e) of Policy DC11 also states that new basement accommodation will only be permitted where there is no adverse impact on the amenity of adjoining properties. Policies HO11 and DC4 also concern the protection of existing residential amenities. In this case, the main issue is noise. The new flat has the potential to create noise disturbance to habitable rooms within the ground floor flat directly above, although no details are given about what rooms are located immediately above the proposed flat. If the development was found to be acceptable in all other respects, a condition could be attached regarding enhanced sound insulation to be installed within the ceiling structure separating the new and existing flats to ensure that noise disturbance did not occur from the living activities inside the flat.

4.19 Representations received have also raised concern about the proximity of the proposed amenity spaces, to those windows directly above which belong to the ground floor flats. The proposed amenity space would be positioned directly underneath residential windows to the ground floor flats above, and it is considered that the creation of a new outdoor amenity space, which could be used for sitting out, small parties, and activities such as smoking, would have some level of impact upon the ground floor flats in terms of noise disturbance, loss of privacy and the quiet enjoyment of their flat. However, on balance, given the planning history and previous consent Officers are unable to sustain a refusal on this basis and accept on balance the proposed private amenity spaces would not result in demonstrable harm to existing neighbouring properties amenity.

4.20 With regards to the impact of construction, in terms of noise disturbance and other nuisances such as dust, if the application were to be approved, the Council would require a Construction Management Plan to be agreed, to ensure the amenities of residents are protected as far as possible throughout the construction phase. It has been raised that the occupants of the ground floor flat immediately above the proposed excavation may be required to move out altogether while floors are removed and reconstructed above the basement. This impact would be properly addressed by means of a Party Wall Agreement and is not considered to be a material planning consideration in this case.

QUALITY OF THE NEW RESIDENTIAL UNIT

4.21 Policy HO11 states that floor areas and room sizes in new build dwellings, conversions and changes of use, must meet the Nationally Described Space Standards (NDSS) requirements which is replicated in the London Plan where relevant. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.sqm and at least one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. According to the NDSS and Policy D6 of the London Plan, the minimum GIA floorspace as per below are applicable to the scheme:

+ Size

4.22 The proposed one-bedroom flat would have a Gross Internal Area of 58 sq.m, which would fall short of the 61 sqm threshold set by the London Plan (2021) requirements and the DCLG's nationally described space standard for this type of flat. The bedroom would be 12.4 sq.m, which would exceed the 11 sqm minimum requirement for a double bedroom and the single bedroom would be 9.5 sqm which would exceed the 7.5sqm single bedroom minimum requirement. On balance, the size of the bedrooms are considered to be satisfactory, however they fall short of the overall unit minimum threshold. The submitted section shows that the floor-to-ceiling height would be a uniform 2.3m throughout the flat, which is considered to be satisfactory.

+ Amenity space, daylight and sunlight, outlook

4.23 The proposed flat would be located entirely below ground floor level with lightwells forming the only source of natural light. The unit comprises two private outdoor amenity spaces to the east and west of the unit in the form of a terraced area, which totals 22.4 sqm.

4.24 Furthermore, the basement bedroom would have its main source of light from the windows looking onto the private amenity space to the east. In respect of light and outlook to the new unit, Officers raised concerns with the earlier application that it's outlook would be poor. Although the lightwell would be open to the sky with no obstructions, it would be enclosed on three sides by the elevations of the existing building as well as by the railings that would be necessary to surround the lightwell. The Planning Inspector in determining the appeal stated: "7. An Assessment for the Provision Daylight and Sunlight dated November 2021 (the Assessment) has been submitted in support of the scheme. The Council raised concerns that the Assessment does not reflect updated BRE guidance published in June 2022 which refers to new daylight and sunlight tests. The windows in the east elevation would be restricted by the adjacent high wall, the lightwells are small in size and the doors onto the amenity space to the west would be overshadowed by the existing stairwell for the main building. From the evidence before me, I am not satisfied that the proposal would receive sufficient levels of daylight and sunlight, and this would compromise the living conditions of future occupiers of the flat."

4.25 Accordingly, an updated Daylight and Sunlight Report was submitted in support of the current application that showed the internal light levels would be within acceptable limits. This overcomes the reason for refusal the Inspector dismissed the previous appeal on.

4.26 The Daylight and Sunlight Report dated May 2024 by Herrington Consulting Ltd concludes that both bedrooms and the living/ dining/ kitchen area within the new flat would have adequate daylight according to the illuminance calculations. For each room type 50% or more of the assessment area needs to meet or exceed the target illuminance value for the room type (100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens), as follows:

- Bedroom: 54% of the room would meet the required lux levels.
- Kitchen/Living/ dining room: 52% of the room would meet the required lux levels.

4.27 Therefore, the proposal would meet the minimum daylight levels required in line with the BRE standards. With regards to sunlight, the BRE requirements for sunlight are that at least one main window faces within 90 degrees of due south and that a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on the 21st March. The submitted daylight and sunlight report demonstrates that the proposed development would meet the above minimum requirements. The bedroom would receive 2.5 hours of sunlight on the 21st March and the combined living room, kitchen, diner would receive 2.7 hours of sunlight on the 21st March. As such, the proposal overcomes the Inspectors previous reason for dismissing the appeal.

4.28 In light of the planning history and the updated daylight and sunlight report, on balance, the proposal would result in satisfactory standard of accommodation.

HIGHWAYS AND TRANSPORTATION

+ Car parking for new flat

4.29 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T3 of the Local Plan (2018) specifies that new development should include the provision of convenient, accessible, safe and secure cycle storage within the boundary of the application site, in accordance with the London Plan cycle parking standards.

4.30 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available. In such instances, maximum residential car parking standards as set out the London Plan should be met.

4.31 The London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking.

4.32 The site is in a Controlled Parking Zone (Zone E) in operation 9am to 8pm, Monday to Saturday. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. This therefore justifies a car-free scheme which can be secured by restricting future car parking permits right for disabled parking only to those possessing a blue badge.

4.33 The Council will expect the residential units to be proposed as car-free and this needs to be secured by the signing of a Unilateral Undertaking (UU). This is the only mechanism the Council uses for securing car-free development. The signed Unilateral Undertaking (UU) would ensure the proposal adheres to both the Local Plan and London Plan policies regarding car parking for car-free residential development and is also beneficial to reduce air pollution from vehicle emissions.

The applicant has agreed to enter into a Unilateral undertaking and has provided a draft UU. This would ensure the proposal is car-free and does not lead to increase demands in on-street car parking which would have an impact on highways safety and condition, as well as on localised air quality which is currently poor. The proposal is therefore in accordance with Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

+ Cycle parking

4.34 A new freestanding, covered cycle store with space for two cycles is proposed to be erected adjacent to the flank wall of the mansion block at ground floor level, just to the South of the new lightwell. This new store would be sufficient to meet the requirements of Local Plan Policy T3. If the application were acceptable in all other respects, a condition would be attached requiring details to be submitted.

+ Refuse storage

4.35 In terms of refuse storage, it is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal. For these reasons no objections are raised in terms of Local Plan Policy CC7.

+ Air quality

4.36 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.37 The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

4.38 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Hammersmith Road (A315) and North End Road (B317). The development proposal would introduce new residential receptors into an area of existing poor air quality.

4.39 At the proposed development site, the councils 2030 annual mean Air Quality targets for the air pollutants Nitrogen Dioxide (NO₂) - 10ug/m³, Particulates (PM₁₀) - 15ug/m³ and PM_{2.5} - 5ug/m³ are exceeded. Further Mitigation measures would be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1, and the councils Air Quality Action Plan.

4.40 The Council's Air Quality team have reviewed the application and suggested conditions to secure details of air quality mitigations.

+ Flood risk

4.41 This site is in the Environment agency's Flood Zone 2. The proposals are to create a new dwelling at lower ground floor level. As required, a Flood Risk Assessment (FRA) has been provided with the application. Whilst this dated from 2016 it is accompanied by an Addendum from 2024. The Addendum provides an update on the previously submitted FRA noting that the flood risks remain the same as before. The Environment Agency published new breach modelling for the River Thames in 2017 which has been considered but the site would not be impacted in the event of a breach of flood defences. Surface water, groundwater and sewer flood risks also remain as low. Nevertheless, some flood mitigation measures are proposed, which are considered to be appropriate.

4.42 Overall, the FRA can be accepted and a condition is included requiring the implementation of the measures as outlined. However, a condition is also attached requiring a further detailed SuDs strategy to be submitted. In order to maximise opportunities for urban greening and flood resilience in line with Local Plan (2018) policy CC3 and Policies SI 5 and SI 13 of the London Plan (2021).

+ Contamination

4.43 Local Plan Policy CC4 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

4.44 Key principles LC 1-6 of the Planning Guidance SPD identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.

4.45 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. Therefore, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are attached covering the assessment and remediation of contaminated land.

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

FIRE SAFETY

4.47 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.

4.48 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.

4.49 A 'Fire Strategy Statement' has been submitted as part of the application, outlining the details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). The new dwelling will be provided with a Home Fire Safety Pack - comprising of 2kg Dry Powder fire extinguisher and a British Standard hard case fire blanket. Residents will be made aware of the location of this equipment. Given the nature of the proposal, officers are satisfied that the proposed development would satisfy London Plan Policy D12, Part A.

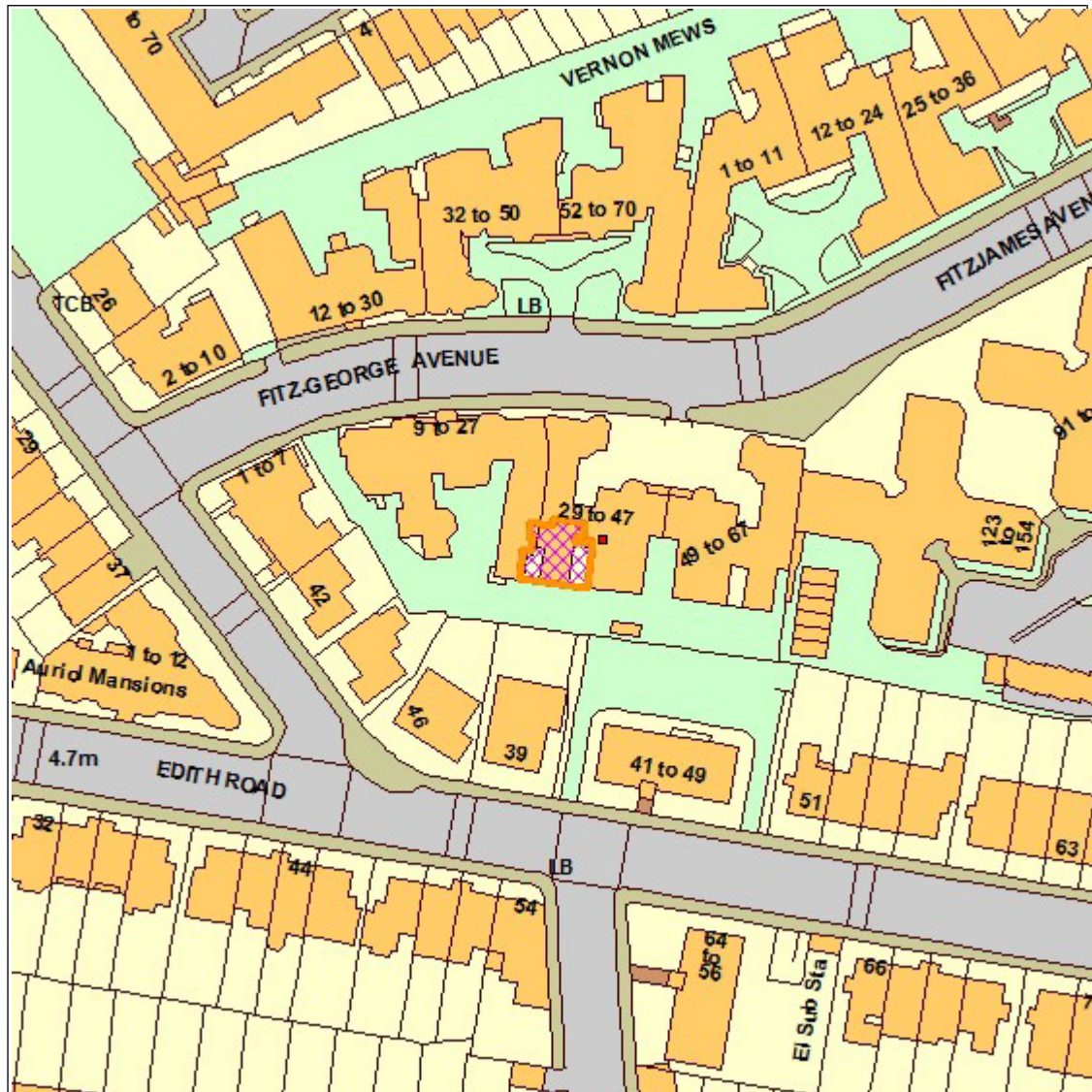
5.0 RECOMMENDATION

5.1 On balance, in light of the above, Officers recommend that planning permission be granted for this development subject to conditions and a unilateral undertaking.

Ward: Avonmore

Site Address:

Flat 4 29 - 47 Fitz-George Avenue London W14 0SZ



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For identification purposes only - do not scale.

Reg. No:
2024/01919/FUL

Case Officer:
Anisa Aboud

Date Valid:
31.07.2024

Conservation Area:
Constraint Name: Fitz-George And Fitzjames
Conservation Area - Number 19

Committee Date:
11.02.2025

Applicant:

Mr. Wrennall
Flat 5, 9-27 Fitz-George Avenue London W14 0SZ

Description:

Creation of 1no. self-contained one bedroom flat at lower ground floor level through change of use of the existing basement storage area and excavation and enlargement of the existing basement level; creation of new lightwells and associated installation of new windows and doors; erection of a bicycle store.

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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

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

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

Proposed Basement Plan - FLAT 4 drg.no 2088-14p-PLAN Rev. D: 15.07.2024,
Proposed Basement - FLAT 4 - drg.no 2088-14pF Rev. F: 09.07.2024,
Existing & Proposed Cycle Storage - drg.no 2088-sk07D Rev. D: 15.07.2024,
Assessment for the Provision Daylight and Sunlight within the Development at Fitz-George & Fitz-James Avenue dated May 2024 prepared by Herrington Consulting Limited Rev 1.

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 relevant part of the works, details of the following external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council.

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 and DC4 of the Local Plan (2018).

- 4) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

- 5) The development hereby permitted shall comply with the approved Flood Risk Assessment dated July 2019 (Issue 1, Rev 0) prepared by Herrington Consulting Limited and Flood Risk Addendum dated 28 June 2024 ref. TV/0604_Jun24_r0. The FRA shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 6) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Zero Emission Air Source Heat Pump, Heat Battery Boiler or Electric boiler for the supply of space heating and hot water for the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 7) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stoves in the kitchen of the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 8) 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 self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:
- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
 - b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
 - c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
 - d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 9) Prior to the occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as included in the approved ventilation strategy as required by condition 8 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 10) No part of the development hereby approved shall be occupied until details of secure storage for two cycles has been submitted to, and approved in writing by, the council. Thereafter, the development shall not be occupied until the cycle storage has been provided in accordance with the agreed details, and permanently retained as such thereafter.

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

- 11) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

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

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

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

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

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

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

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

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

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

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

- 18) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, 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. Thereafter the approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w} + C_{tr}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 21) Prior to the commencement of development an updated Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the rainwater harvesting measures, soft landscaping and permeable surfaces. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided. The development shall be carried out and subsequently maintained in accordance with these approved details.

To reduce the impact of flooding in the area, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

- 22) The development shall be carried out and completed in full accordance with the details contained within the approved 'PLANNING FIRE SAFETY STATEMENT FOR PLANNING APPLICATION' (dated April 2023). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) and Local Plan (2018) target of 1,609 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).

Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Policy D6 of the London Plan (2021) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.

Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to completion of a unilateral undertaking restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018) and Policy T6.1 of London Plan (2021).

Design and Heritage: The proposed development would result in limited changes to the appearance of the host property. As such the proposals would not result in harm to character and appearance of the Fitz-George and Fitzjames conservation area, and significance of area would be preserved. The development is considered compliant with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and acceptable in accordance with the NPPF (2024), London Plan (2021), Local Plan (2018) Policy DC8.

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

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

Application form received: 30th July 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: |
|---|---------------|
| Thames Water - Development Control | 04.09.24 |
| Crime Prevention Design Advisor - Hammersmith | 15.08.24 |
| Environment Agency - Planning Liaison | 09.08.24 |

Neighbour Comments:

| Letters from: | Dated: |
|--------------------------------------|---------------|
| 27 Cairn Hill Newry BT34 2ST | 24.08.24 |
| 1A Fitzjames Avenue London W14 0RP | 23.08.24 |
| 6 Fitzgeorge Avenue London W14 0SN | 04.09.24 |
| 5B Fitzjames Avenue London W14 0RP | 02.09.24 |
| 14 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 12A FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 40 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 68a Fitzgeorge Avenue London W14 0SW | 29.08.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 9 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 01.09.24 |
| 57 Fitzgeorge Avenue London W14 0SZ | 03.09.24 |
| 46 Brackenbury Road London W6 0BB | 23.08.24 |
| 17 Fitzjames Avenue London W14 0RP | 24.08.24 |
| 53 Fitzgeorge Avenue London W14 0SZ | 24.08.24 |
| 36 Fitzjames Avenue London W14 0RR | 24.08.24 |
| 13 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 39 Fitzjames Avenue London W14 0RR | 29.08.24 |

| | |
|--|----------|
| 20 FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 24 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 22.08.24 |
| 20 Fitzgeorge Avenue London W14 0SN | 29.08.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 45 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 27 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 30 Fitzjames Avenue London W14 0RR | 31.08.24 |
| 25A Fitzjames Avenue London W14 0RR | 31.08.24 |
| 42 Fitz-James Avenue London W14 0RR | 01.09.24 |
| 32 Fitzjames Avenue London W14 0RR | 02.09.24 |
| 15 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 15 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 23 Melbury Road London W14 8AB | 24.08.24 |
| 27 Cairn Hill Newry County Down BT34 2ST | 24.08.24 |
| 35 Fitzjames Avenue London W14 0RR | 03.09.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 58 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 17 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 39 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 12.08.24 |
| 68 Fitz-George Avenue London W14 0SW | 25.08.24 |
| 16 Fitzjames Avenue London W14 0RP | 26.08.24 |
| 5 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 03.09.24 |
| 33 FitzGeorge Avenue London W14 0SZ | 27.08.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 31.08.24 |
| 28 Fitzgeorge Avenue London W14 0SN | 01.09.24 |
| 51a Fitzgeorge Avenue London W14 0SZ | 02.09.24 |
| 37 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 31 Fitz-george Avenue London W14 0SZ | 27.08.24 |
| 25 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 25 Fitz-george Avenue London W14 0SY | 02.09.24 |
| 23 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 21 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 24 Fitzjames Avenue London W14 0RP | 27.08.24 |
| 33 Fitzgeorge Avenue London W14 0SZ | 27.08.24 |
| 48 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 63 Fitz-George Avenue London W14 0SZ | 03.09.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 2 Fitzgeorge Avenue London W14 0SN | 25.08.24 |
| 11 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 2 Fitz-George Avenue London W14 0SN | 29.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 21.09.24 |
| 49A Fitzgeorge Avenue London W14 0SZ | 26.08.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 23.08.24 |
| 42 Fitzgeorge avenue london W140SW | 03.09.24 |

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application relates to a 6-storey mansion block on the southern side of Fitz-George Avenue (Nos. 29-47).
- 1.2 The site is located within the Fitz-George and Fitzjames Conservation Area. The boundary of the Gunter Estate Conservation Area is to the South and West of the site.
- 1.3 The site does not contain any statutory or locally listed buildings.
- 1.4 The site is within the Environment Agency's Flood Zone 2.
- 1.5 Fitz-George Avenue also benefits from excellent public transport accessibility (PTAL rating of 6a according to Transport for London's methodology).
- 1.6 This application is for the creation of 1no. self-contained one bedroom flat through excavation and enlargement of the existing basement and creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store. This application proposal is known as 'Flat 4'.
- 1.7 Applications for similar proposals on adjacent parts of the site have also been submitted and are being considered alongside this one, as follows:
 - Flat 1 (Ref. 2024/01917/FUL)
 - Flat 2 (Ref. 2024/01918/FUL)
 - Flat 5 (Ref. 2024/01923/FUL)

2.0 RELEVANT PLANNING HISTORY

- 2.1 A series of applications have been previously been submitted for the creation of new flats at basement/ lower ground floor level around the Fitz-George and Fitzjames estate.
- 2.2 In relation to this specific site, the council defended an appeal for non-determination on 3rd November 2023 for the same development that is now proposed (Ref. 2023/00928/FUL). It was refused on the following grounds:
 - i) The proposal would include a substandard residential accommodation and generally poor living conditions in proposed self-contained flat, which would fail to provide adequate outlook, natural light and ventilation for future occupiers. More particularly, in the absence of a Daylight and Sunlight Report in line with the 3rd edition of the BRE guidance on daylight & sunlight amenity published June 2022, it is considered that this residential unit would therefore give rise to unacceptably low standards of accommodation for future occupiers to the detriment of their residential amenity and general well-being. The proposal is therefore contrary to Policies HO4 and HO11 of the Local Plan (2018).

- ii) In the absence of adequate and insufficient information from the submitted Flood Risk Assessment which fails to demonstrate that the risk to life can be managed, and to appropriately consider, avoid and/or minimise all potential risks of flooding, especially from groundwater and sewer flooding, given that the basement level would include sleeping accommodation, the scheme would be unacceptable in terms of flood risk. This is contrary to Policies CC3 and CC4 of the Local Plan (2018) and Key Principle FR1 of the 'Planning Guidance' Supplementary Planning Document (2018).
 - iii) In the absence of a signed legal agreement through a Unilateral Undertaking under Section 106, removing residential car parking permit rights, the proposal fails to demonstrate that the scheme would be car-free and would not increase vehicular movements or adversely impact on on-street car parking demands and highway conditions, to the detriment of sustainable transport modes, the free flow of traffic, cyclist, pedestrian and highway safety. This would also increase the risk of poor localised air quality generated by motor vehicle journeys in the area. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).
- 2.3 The appeal was dismissed by the Planning Inspectorate (Appeal Ref. 3325121). The Inspector's only ground for dismissing the appeal was insufficient evidence to demonstrate the proposal would receive sufficient levels of daylight and sunlight. The Inspector did not agree with the council's other reasons for refusal and found the proposals to be acceptable in all other respects. The Inspector's decision carries significant weight in the determination of this application.

3.0 PUBLICITY AND CONSULTATION RESPONSES

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

3.2 A total of 64 individual objection comments were received from the following addresses:

- 2, 3, 5, 6, 9, 11, 13, 14, 15, 15a, 19a, 20, 21, 23, 23a, 25, 28, 37, 49a, 51a, 53, 57, 57a, 58, 59, 63, 64a, 66, 68, 68a Fitz-George Avenue;
- 1a, 5b, 17, 24, 27, 30, 31, 32, 35, 36, 39, 40, 42, 43, 45, 48 Fitzjames Avenue;
- 27 Cairn Hill, Newry, Northern Ireland.
- 46 Brackenbury Road,
- 23 Melbury Road,
- 15 Via Roma Griante, Italy.

3.3 The objections can be summarised as follows:

- The proposed courtyard amenity spaces would result in noise disturbance and general nuisance for residents living in the flats directly above.
- The space in the car park will be reduced making it difficult for residents to navigate in and out of their assigned spaces;
- Noise, nuisance and parking stress for existing residents during construction;
- The proposed development is unsuitable for a flood risk area;

- There are practical construction issues that could prevent the implementation of the scheme;
- The structure of the building may be compromised.
- Poor quality of flat to be created, in terms of lack of outlook and natural light.
- The proposal represents overdevelopment on a street which already has a large number of people living here, pressure on refuse storage and street parking stress.
- Disruption and nuisance during construction works, including excavation of basement and alterations to existing rear access.
- There is a general lack of detail as to how it would be technically feasible to carry out the development. No details are provided of how hot water and heating pipes would be re-routed, and the proposed internal access for the new flat would appear to conflict with the likely overrun of the lift shaft.

3.4 Case Officer response: The material planning matters raised above will be addressed in the report below. Concerns regarding the impact of the development on party walls, or the structure of adjacent flats, may be properly addressed by means of an agreement under the Party Wall Act 1996 and are not material to the planning process, however, residents' concerns are noted. Similarly, questions over the practicalities of implementing the scheme are not a matter to be considered as part of the planning application.

3.5 External consultation responses were as follows:

Thames Water - No objection with regards to sewerage or water infrastructure capacity.

Environment Agency - No objection.

The Metropolitan Police's Crime Prevention Design Advisor - no objection and made some recommendations relating to the use of SBC accredited products.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues that must be assessed in considering this proposal are:

- The principle of a new residential unit in this location;
- The acceptability of the proposed basement development in terms of scale and impact on the local, natural and historic environment, and flood risk;
- The quality of the proposed residential unit in terms of floor area, light, outlook, access, floor to ceiling height, amenity space, and refuse storage;
- Highways matters including car parking and cycle parking.

4.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.

- 4.3 The provision of an additional residential unit would contribute toward the abovementioned targets. As such, the proposed development is considered acceptable and in accordance with Policy HO1 of the Local Plan (2018) subject to the proposals according with other relevant provisions of the adopted Development Plan and other material planning considerations raised.

ACCEPTABILITY OF BASEMENT DEVELOPMENT

+ Extent

- 4.4 The proposal would involve excavating underneath part of the mansion block. Two lightwells would be excavated to provide light and amenity space for the flat. In addition, the proposed amenity space would also function as a type of secondary lightwell. Save for the new lightwells, excavation would be contained underneath the footprint of the existing building, in accordance with Criterion a) of Local Plan Policy DC11.

Design and Heritage

- 4.5 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.
- 4.6 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.
- 4.7 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 section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.9 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).
- 4.10 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.

4.11 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.

4.12 The application site is located in the Fitz-George and Fitzjames conservation area and does not include any designated or non-designated heritage assets.

+ Fitz-George and Fitzjames conservation area

4.13 The conservation was designated in September 1982 with its historic significance and character focussed upon the plan form, use and architectural character of the large mansion block, flatted properties.

4.14 Development of the area established the creation of a complete street of privately owned residential mansion flats of intricate plan and varied composition, all designed by the same firm of architects albeit over a period of 30 years. The mansion blocks provide a rich townscape of interest and maintain their original appearance and features. The mature tree lined street and the scale of development provides a relaxed urban atmosphere.

+ Assessment of harm

4.15 In terms of the impact of the development upon the character and appearance of the conservation area, the proposals seek to create a new residential flat through enlargement of an existing basement, excavation of new lightwells and introduction of new/enlarged windows and doors.

4.16 The location of the basements to the rear of the host building mean that any changes to the building would not be readily visible in public views of the site and would not impact upon the high-quality street environment and local townscape of Fitz-George Avenue

4.17 Furthermore, there are no trees in the immediate vicinity of the site which stand to be affected through the proposed excavation underneath the building.

4.18 The physical changes to the building are limited in scope. The further excavation of existing basements and the proposed lightwells would be mostly concealed from views from the service road to the rear of the building and their excavation alongside the introduction of new/enlarged windows and doors would not result in any impact upon the key architectural features of the host building.

4.19 As such, the proposals are not considered to result in any harm to the character and appearance of the conservation area; and its historic significance would be preserved.

4.20 For these reasons, Officers are satisfied that the character and appearance of the conservation area would be preserved with due regards to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with the NPPF (2024), London Plan (2021), and Local Plan Policy DC8.

+ Neighbouring amenity

4.21 Criterion e) of Policy DC11 also states that new basement accommodation will only be permitted where there is no adverse impact on the amenity of adjoining properties. Policies HO11 and DC4 also concern the protection of existing residential amenities. In this case, the main issue is noise. The new flat has the potential to create noise disturbance to habitable rooms within the ground floor flat directly above, although no details are given about what rooms are located immediately above the proposed flat. If the development was found to be acceptable in all other respects, a condition could be attached regarding enhanced sound insulation to be installed within the ceiling structure separating the new and existing flats to ensure that noise disturbance did not occur from the living activities inside the flat.

4.22 Representations received have also raised concern about the proximity of the proposed amenity spaces, to those windows directly above which belong to the ground floor flats. The proposed amenity space would be positioned directly underneath residential windows to the ground floor flats above, and it is considered that the creation of a new outdoor amenity space, which could be used for sitting out, small parties, and activities such as smoking, would have some level of impact upon the ground floor flats in terms of noise disturbance, loss of privacy and the quiet enjoyment of their flat. However, on balance, given the planning history and previous consent Officers are unable to sustain a refusal on this basis and accept on balance the proposed private amenity spaces would not result in demonstrable harm to existing neighbouring properties amenity.

4.23 With regards to the impact of construction, in terms of noise disturbance and other nuisances such as dust, if the application were to be approved, the Council would require a Construction Management Plan to be agreed, to ensure the amenities of residents are protected as far as possible throughout the construction phase. It has been raised that the occupants of the ground floor flat immediately above the proposed excavation may be required to move out altogether while floors are removed and reconstructed above the basement. This impact would be properly addressed by means of a Party Wall Agreement and is not considered to be a material planning consideration in this case.

+ QUALITY OF THE NEW RESIDENTIAL UNIT

4.24 Policy HO11 states that floor areas and room sizes in new build dwellings, conversions and changes of use, must meet the Nationally Described Space Standards (NDSS) requirements which is replicated in the London Plan where relevant. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.sqm and at least one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. According to the NDSS and Policy D6 of the London Plan, the minimum GIA floorspace as per below are applicable to the scheme:

+ Size

4.25 The proposed one-bedroom flat would have a Gross Internal Area of 50.9 sq.m, which would be in accordance with the London Plan (2021) requirements and the DCLG's nationally described space standard for this type of flat. The double bedroom would be 9.6 sq.m, which falls below the 11 sqm minimum requirement for a double bedroom. The submitted section shows that the floor-to-ceiling height would be a uniform 2.3m throughout the flat, which is considered to be satisfactory.

+ Amenity space, daylight and sunlight, outlook

4.26 The proposed flat would be located entirely below ground floor level with a two lightwells forming the only source of natural light. The unit comprises two private outdoor amenity spaces to the east and west of the unit in the form of a terraced area, which totals 14.2 sqm.

4.27 Furthermore, the basement bedroom would have its main source of light from the windows looking onto the private amenity space to the east. In respect of light and outlook to the new unit, Officers previously raised concerns (earlier application) that it's outlook would be poor. Although the lightwell would be open to the sky with no obstructions, it would be enclosed on three sides by the elevations of the existing building as well as by the railings that would be necessary to surround the lightwell. The Planning Inspector in determining the appeal previously stated: "7. An Assessment for the Provision Daylight and Sunlight dated November 2021 (the Assessment) has been submitted in support of the scheme. The Council raised concerns that the Assessment does not reflect updated BRE guidance published in June 2022 which refers to new daylight and sunlight tests. The windows in the east elevation would be restricted by the adjacent high wall, the lightwells are small in size and the doors onto the amenity space to the west would be overshadowed by the existing stairwell for the main building. From the evidence before me, I am not satisfied that the proposal would receive sufficient levels of daylight and sunlight, and this would compromise the living conditions of future occupiers of the flat."

4.28 Accordingly, an updated Daylight and Sunlight Report was submitted in support of the current application that showed the internal light levels would be within acceptable limits. This overcomes the reason for refusal the Inspector dismissed the previous appeal on.

4.29 The Daylight and Sunlight Report dated May 2024 by Herrington Consulting Ltd concludes that both bedrooms and the living/ dining/ kitchen area within the new flat would have adequate daylight according to the illuminance calculations. For each room type 50% or more of the assessment area needs to meet or exceed the target illuminance value for the room type (100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens), as follows:

- Bedroom: 67% of the room would meet the required lux levels.
- Kitchen/Living/ dining room: 58% of the room would meet the required lux levels.

4.30 Therefore, the proposal would meet the minimum daylight levels required in line with the BRE standards. With regards to sunlight, the BRE requirements for sunlight are that at least one main window faces within 90 degrees of due south and that a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on the 21st March. The submitted daylight and sunlight report demonstrates that the proposed development would on balance meet the above minimum requirements. The bedroom would receive 1.3 hours of sunlight on the 21st March and the combined living room, kitchen, diner would receive 2.1 hours of sunlight on the 21st March. As such, the proposal overcomes the Inspectors previous reason for dismissing the appeal. Although, the bedroom falls short of the 1.5 hours requirements, this is by a small margin and on balance given the kitchen/living room and dining room is the area future occupants are expected to spend most of their time in and this room exceeds the minimum requirements.

4.31 In light of the planning history and the updated daylight and sunlight report, on balance, the proposal would result in satisfactory standard of accommodation.

HIGHWAYS AND TRANSPORTATION

+ Car parking for new flat

4.32 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T3 of the Local Plan (2018) specifies that new development should include the provision of convenient, accessible, safe and secure cycle storage within the boundary of the application site, in accordance with the London Plan cycle parking standards.

4.33 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available. In such instances, maximum residential car parking standards as set out the London Plan should be met.

4.34 The London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking.

4.35 The site is in a Controlled Parking Zone (Zone E) in operation 9am to 8pm, Monday to Saturday. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. This therefore justifies a car-free scheme which can be secured by restricting future car parking permits right for disabled parking only to those possessing a blue badge.

4.36 The Council will expect the residential units to be proposed as car-free and this needs to be secured by the signing of a Unilateral Undertaking (UU). This is the only mechanism the Council uses for securing car-free development. The signed Unilateral Undertaking (UU) would ensure the proposal adheres to both the Local

Plan and London Plan policies regarding car parking for car-free residential development and is also beneficial to reduce air pollution from vehicle emissions. The applicant has agreed to enter into a Unilateral undertaking and has provided a draft UU. This would ensure the proposal is car-free and does not lead to increase demands in on-street car parking which would have an impact on highways safety and condition, as well as on localised air quality which is currently poor. The proposal is therefore in accordance with Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

+ Cycle parking

4.37 A new freestanding, covered cycle store with space for two cycles is proposed to be erected adjacent to the flank wall of the mansion block at ground floor level, just to the South of the new lightwell. This new store would be sufficient to meet the requirements of Local Plan Policy T3. If the application were acceptable in all other respects, a condition would be attached requiring details to be submitted.

+ Refuse storage

4.38 In terms of refuse storage, it is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal. For these reasons no objections are raised in terms of Local Plan Policy CC7.

+ Air quality

4.39 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.40 The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

4.41 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Hammersmith Road (A315) and North End Road (B317). The development proposal would introduce new residential receptors into an area of existing poor air quality.

4.42 At the proposed development site, the councils 2030 annual mean Air Quality targets for the air pollutants Nitrogen Dioxide (NO₂) - 10ug/m³, Particulates (PM₁₀) - 15ug/m³ and PM_{2.5} - 5ug/m³ are exceeded. Further Mitigation measures would be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1, and the councils Air Quality Action Plan.

4.43 The Council's Air Quality team have reviewed the application and suggested conditions to secure details of air quality mitigations.

+ Flood risk

4.44 This site is in the Environment agency's Flood Zone 2. The proposals are to create a new dwelling at lower ground floor level. As required, a Flood Risk Assessment (FRA) has been provided with the application. Whilst this dates from 2016 it is accompanied by an Addendum from 2024. The Addendum provides an update on the previously submitted FRA noting that the flood risks remain the same as before. The Environment Agency published new breach modelling for the River Thames in 2017 which has been considered but the site would not be impacted in the event of a breach of flood defences. Surface water, groundwater and sewer flood risks also remain as low. Nevertheless, some flood mitigation measures are proposed, which are considered to be appropriate.

4.45 Overall, the FRA can be accepted and a condition is included requiring the implementation of the measures as outlined. However, a condition is also attached requiring a further detailed SuDs strategy to be submitted. In order to maximise opportunities for urban greening and flood resilience in line with Local Plan (2018) policy CC3 and Policies SI 5 and SI 13 of the London Plan (2021).

+ Contamination

4.46 Local Plan Policy CC4 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

4.47 Key principles LC 1-6 of the Planning Guidance SPD identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.

4.48 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. Therefore, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are attached covering the assessment and remediation of contaminated land.

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

FIRE SAFETY

- 4.50 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.
- 4.51 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.
- 4.52 A 'Fire Strategy Statement' has been submitted as part of the application, outlining the details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). The new dwelling will be provided with a Home Fire Safety Pack - comprising of 2kg Dry Powder fire extinguisher and a British Standard hard case fire blanket. Residents will be made aware of the location of this equipment. Given the nature of the proposal, officers are satisfied that the proposed development would satisfy London Plan Policy D12, Part A.

5.0 RECOMMENDATION

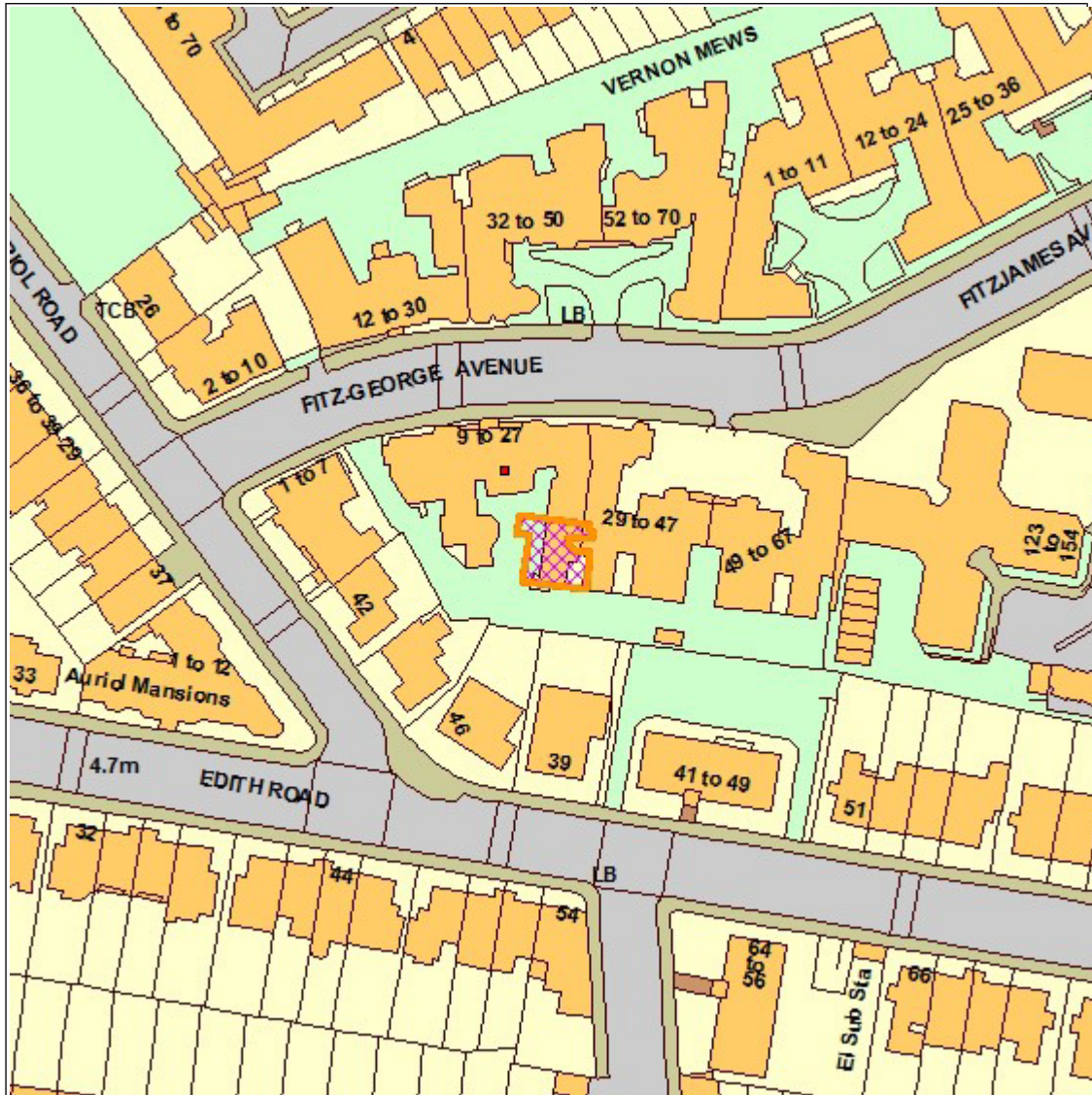
- 5.1 On balance, in light of the above, Officers recommend that planning permission be granted for this development subject to conditions and a unilateral undertaking.

Agenda Item 10

Ward: Avonmore

Site Address:

Flat 5 9 - 27 Fitz-George Avenue London W14 0SY



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For identification purposes only - do not scale.

Reg. No:
2024/01923/FUL

Case Officer:
Anisa Aboud

Date Valid:
31.07.2024

Conservation Area:
Constraint Name: Fitz-George And Fitzjames
Conservation Area - Number 19

Committee Date:
11.02.2025

Applicant:

Mr. Wrennall

Flat 5, 9-27 Fitz-George Avenue London W14 0SZ

Description:

Creation of 1no. self-contained two bedroom flat at lower ground floor level through change of use of the existing basement storage area and excavation and enlargement of the existing basement level; creation of a new lightwell and associated installation of new windows and doors; erection of a bicycle store.

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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

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

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

Proposed Basement Plan - FLAT 5 - drg.no 2088-16p-PLAN Rev. C: 15.07.2024,
Proposed Basement - FLAT 5 - drg.no 2088-16pD Rev. D: 16.08.2021
Existing & Proposed Cycle Storage - drg.no 2088-sk08D Rev. C: 15.07.2024,
Assessment for the Provision Daylight and Sunlight within the Development at Fitz-George & Fitz-James Avenue dated May 2024 prepared by Herrington Consulting Limited Rev 1.

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 relevant part of the works, details of the following external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council.

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 and DC4 of the Local Plan (2018).

- 4) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

- 5) The development hereby permitted shall comply with the approved Flood Risk Assessment dated July 2019 (Issue 1, Rev 0) prepared by Herrington Consulting Limited and Flood Risk Addendum dated 28 June 2024 ref. TV/0604_Jun24_r0. The FRA shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 6) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Zero Emission Air Source Heat Pump, Heat Battery Boiler or Electric boiler for the supply of space heating and hot water for the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 7) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stoves in the kitchen of the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality and to ensure no new gas connections are made in line with Local Plan CC1, CC10 and CC13.

- 8) 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 self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:
- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
 - b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
 - c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
 - d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 9) Prior to the occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as included in the approved ventilation strategy as required by condition 8 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving local air quality in line with Local Plan CC1, CC10 and CC13.

- 10) No part of the development hereby approved shall be occupied until details of secure storage for two cycles has been submitted to, and approved in writing by, the council. Thereafter, the development shall not be occupied until the cycle storage has been provided in accordance with the agreed details, and permanently retained as such thereafter.

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

- 11) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

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

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

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

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

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

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

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

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

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

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

- 18) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, 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. Thereafter the approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w} + C_{tr}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 21) Prior to the commencement of development an updated Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the rainwater harvesting measures, soft landscaping and permeable surfaces. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided. The development shall be carried out and subsequently maintained in accordance with these approved details.

To reduce the impact of flooding in the area, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

- 22) The development shall be carried out and completed in full accordance with the details contained within the approved 'PLANNING FIRE SAFETY STATEMENT FOR PLANNING APPLICATION' (dated April 2023). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) and Local Plan (2018) target of 1,609 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).

Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Policy D6 of the London Plan (2021) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.

Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to completion of a unilateral undertaking restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018) and Policy T6.1 of London Plan (2021).

Design and Heritage: The proposed development would result in limited changes to the appearance of the host property. As such the proposals would not result in harm to character and appearance of the Fitz-George and Fitzjames conservation area, and significance of area would be preserved. The development is considered compliant with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and acceptable in accordance with the NPPF (2024), London Plan (2021), Local Plan (2018) Policy DC8.

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

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

Application form received: 30th July 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: |
|---|---------------|
| Thames Water - Development Control | 04.09.24 |
| Crime Prevention Design Advisor - Hammersmith | 15.08.24 |
| Environment Agency - Planning Liaison | 09.08.24 |

Neighbour Comments:

| Letters from: | Dated: |
|--|---------------|
| 1A Fitzjames Avenue London W14 0RP | 23.08.24 |
| 32 Fitzjames Avenue London W14 0RR | 02.09.24 |
| 6 Fitzgeorge Avenue London W14 0SN | 04.09.24 |
| 17 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 20 Fitzgeorge Avenue London W14 0SN | 29.08.24 |
| 5B Fitzjames Avenue London W14 0RP | 02.09.24 |
| 57 Fitzgeorge Avenue London W14 0SZ | 03.09.24 |
| 5 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 12A FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 40 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 9 Fitzgeorge Avenue London W14 0SY | 30.08.24 |
| 23A Fitzgeorge Avenue London W14 0SY | 01.09.24 |
| 17 Fitzjames Avenue London W14 0RP | 24.08.24 |
| 53 Fitzgeorge Avenue London W14 0SZ | 24.08.24 |
| 27 Cairn Hill Newry County Down BT34 2ST | 24.08.24 |
| 27 Cairn Hill Newry BT34 2ST | 24.08.24 |
| 36 Fitzjames Avenue London W14 0RR | 24.08.24 |
| 13 Fitzgeorge Avenue London W14 0SY | 28.08.24 |

| | |
|--------------------------------------|----------|
| 20 FitzGeorge Avenue London W14 0SN | 02.09.24 |
| 39 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 30 FitzJames Avenue London W14 0RR | 31.08.24 |
| 25 Fitzgeorge Avenue London W14 0SY | 22.08.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 64A Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 45 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 58 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 27 Fitzjames Avenue London W14 0RR | 29.08.24 |
| 66 Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 12A FitzGeogre Avenue London W14 0SN | 02.09.24 |
| 15 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 14 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 24 Fitzgeorge Avenue London W14 0SN | 03.09.24 |
| 42 Fitzgeorge Avenue London W14 0SW | 03.09.24 |
| 66 Fitzgeorge Avenue London W14 0SW | 30.08.24 |
| 42 Fitz-James Avenue London W14 0RR | 01.09.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 25 Fitzgeroge Avenue London W14 0SY | 03.09.24 |
| 25A Fitzjames Avenue London W14 W14 | 31.08.24 |
| 16 Fitzjames Avenue London W14 0RP | 26.08.24 |
| 24 Fitzjames Avenue London W14 0RP | 27.08.24 |
| 39 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 37 Fitzgeorge Avenue London W14 0SZ | 01.09.24 |
| 51a Fitzgeorge Avenue London W14 0SZ | 02.09.24 |
| 35 Fitzjames Avenue London W14 0RR | 03.09.24 |
| 2 Fitzgeorge Avenue London W14 0SN | 25.08.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 29.08.24 |
| 28 Fitzgeorge Avenue London W14 0SN | 01.09.24 |
| 31 Fitz-george Avenue London W14 0SZ | 27.08.24 |
| 25 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 25 Fitz-george Avenue London W14 0SY | 02.09.24 |
| 23 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 21 Fitz-george Avenue London W14 0SY | 23.08.24 |
| 23 Melbury Road London W14 8AB | 26.08.24 |
| 48 Fitzjames Avenue London W14 0RR | 30.08.24 |
| 23a Fitzgeorge Avenue London W14 0SY | 31.08.24 |
| 63 Fitz-George Avenue London W14 0SZ | 03.09.24 |
| 3 Fitzgeorge Avenue London W14 0SY | 21.09.24 |
| 15A Fitzgeorge Avenue London W14 0SY | 12.08.24 |
| 68 Fitz-George Avenue London W14 0SW | 25.08.24 |
| 11 Fitzgeorge Avenue London W14 0SY | 28.08.24 |
| 23 Fitzgeorge Avenue London W14 0SY | 02.09.24 |
| 2 Fitz-George Avenue London W14 0SN | 29.08.24 |
| 49A Fitzgeorge Avenue London W14 0SZ | 26.08.24 |
| 42 Fitzegeorge Avenue London W14 0SW | 23.08.24 |
| 68a Fitzgeorge Avenue London W14 0SW | 29.08.24 |
| 21 Fitzgeorge Avenue London W14 0SY | 30.08.24 |

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application relates to a 6-storey mansion block on the southern side of Fitz-George Avenue (Nos. 9-27).
- 1.2 The site is located within the Fitz-George and Fitzjames Conservation Area. The boundary of the Gunter Estate Conservation Area is to the South and West of the site.
- 1.3 The site does not contain any statutory or locally listed buildings.
- 1.4 The site is within the Environment Agency's Flood Zone 2.
- 1.5 Fitz-George Avenue also benefits from excellent public transport accessibility (PTAL rating of 6a according to Transport for London's methodology).
- 1.6 This application is for the creation of 1no. self-contained one bedroom flat through excavation and enlargement of the existing basement and creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store. This application proposal is known as 'Flat 5'.
- 1.7 Applications for similar proposals on adjacent parts of the site have also been submitted and are being considered alongside this one, as follows:

- Flat 1 (Ref. 2024/01817/FUL)
- Flat 2 (Ref. 2024/01918/FUL)
- Flat 4 (Ref. 2024/01919/FUL)

2.0 RELEVANT PLANNING HISTORY

- 2.1 A series of applications have been previously been submitted for the creation of new flats at basement/ lower ground floor level around the Fitz-George and Fitzjames estate.
- 2.2 In relation to this specific site, the council defended an appeal for non-determination on 3rd November 2023 for the same development that is now proposed (Ref. 2023/00927/FUL). It was refused on the following grounds:
 - i) The proposal would include a substandard residential accommodation and generally poor living conditions in proposed self-contained flat, which would fail to provide adequate outlook, natural light and ventilation for future occupiers. More particularly, in the absence of a Daylight and Sunlight Report in line with the 3rd edition of the BRE guidance on daylight & sunlight amenity published June 2022, it is considered that this residential unit would therefore give rise to unacceptably low standards of accommodation for future occupiers to the detriment of their residential amenity and general well-being. The proposal is therefore contrary to Policies HO4 and HO11 of the Local Plan (2018).

- ii) In the absence of adequate and insufficient information from the submitted Flood Risk Assessment which fails to demonstrate that the risk to life can be managed, and to appropriately consider, avoid and/or minimise all potential risks of flooding, especially from groundwater and sewer flooding, given that the basement level would include sleeping accommodation, the scheme would be unacceptable in terms of flood risk. This is contrary to Policies CC3 and CC4 of the Local Plan (2018) and Key Principle FR1 of the 'Planning Guidance' Supplementary Planning Document (2018).
 - iii) In the absence of a signed legal agreement through a Unilateral Undertaking under Section 106, removing residential car parking permit rights, the proposal fails to demonstrate that the scheme would be car-free and would not increase vehicular movements or adversely impact on on-street car parking demands and highway conditions, to the detriment of sustainable transport modes, the free flow of traffic, cyclist, pedestrian and highway safety. This would also increase the risk of poor localised air quality generated by motor vehicle journeys in the area. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).
- 2.3 The appeal was dismissed by the Planning Inspectorate (Appeal Ref. 3325124). The Inspector's only ground for dismissing the appeal was insufficient evidence to demonstrate the proposal would receive sufficient levels of daylight and sunlight. The Inspector did not agree with the council's other reasons for refusal and found the proposals to be acceptable in all other respects. The Inspector's decision carries significant weight in the determination of this application.

3.0 PUBLICITY AND CONSULTATION RESPONSES

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

3.2 A total of 65 individual objection comments were received from the following addresses:

- 2, 3, 5, 6, 9, 11, 13, 14, 15, 15a, 19a, 20, 21, 23, 23a, 25, 28, 37, 49a, 51a, 53, 57, 57a, 58, 59, 63, 64a, 66, 68, 68a Fitz-George Avenue;
- 1a, 5b, 17, 24, 27, 30, 31, 32, 35, 36, 39, 40, 42, 43, 45, 48 Fitzjames Avenue;
- 27 Cairn Hill, Newry, Northern Ireland.
- 46 Brackenbury Road,
- 23 Melbury Road,
- 15 Via Roma Griante, Italy.

3.3 The objections can be summarised as follows:

- The proposed courtyard amenity spaces would result in noise disturbance and general nuisance for residents living in the flats which have residential windows directly above.
- The space in the car park will be reduced making it difficult for residents to navigate in and out of their assigned spaces;
- Noise, nuisance and parking stress for existing residents during construction;
- The proposed development is unsuitable for a flood risk area;

- There are practical construction issues that could prevent the implementation of the scheme;
- The structure of the building may be compromised.
- Poor quality of flat to be created, in terms of lack of outlook and natural light.
- The proposal represents overdevelopment on a street which already has a large number of people living here. The creation of new flats will place pressure on refuse storage and street parking stress.
- Disruption and nuisance during construction works, including excavation of basement and alterations to existing rear access.
- There is a general lack of detail as to how it would be technically feasible to carry out the development. No details are provided of how hot water and heating pipes would be re-routed, and the proposed internal access for the new flat would appear to conflict with the likely overrun of the lift shaft.

3.4 Case Officer response: The material planning matters raised above will be addressed in the report below. Concerns regarding the impact of the development on party walls, or the structure of adjacent flats, may be properly addressed by means of an agreement under the Party Wall Act 1996 and are not material to the planning process, however, residents' concerns are noted. Similarly, questions over the practicalities of implementing the scheme are not a matter to be considered as part of the planning application.

3.5 External consultation responses were as follows:

Thames Water - No objection with regards to sewerage or water infrastructure capacity.

Environment Agency - No objection.

The Metropolitan Police's Crime Prevention Design Advisor - no objection and made some recommendations relating to the use of SBC accredited products.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues that must be assessed in considering this proposal are:

- The principle of a new residential unit in this location;
- The acceptability of the proposed basement development in terms of scale and impact on the local, natural and historic environment, and flood risk;
- The quality of the proposed residential unit in terms of floor area, light, outlook, access, floor to ceiling height, amenity space, and refuse storage;
- Highways matters including car parking and cycle parking.

4.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.

- 4.3 The provision of an additional residential unit would contribute toward the abovementioned targets. As such, the proposed development is considered acceptable and in accordance with Policy HO1 of the Local Plan (2018) subject to the proposals according with other relevant provisions of the adopted Development Plan and other material planning considerations raised.

ACCEPTABILITY OF BASEMENT DEVELOPMENT

+ Extent

- 4.4 The proposal would involve excavating underneath part of the mansion block. Two lightwells would be excavated to provide light and amenity space for the flat. In addition, the proposed amenity space would also function as a type of secondary lightwell. Save for the new lightwells, excavation would be contained underneath the footprint of the existing building, in accordance with Criterion a) of Local Plan Policy DC11.

+ Design and Heritage

- 4.5 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.
- 4.6 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.
- 4.7 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 section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.9 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).

4.10 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.

4.11 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.

4.12 The application site is located in the Fitz-George and Fitzjames conservation area and does not include any designated or non-designated heritage assets.

+ Fitz-George and Fitzjames conservation area

4.13 The conservation was designated in September 1982 with its historic significance and character focussed upon the plan form, use and architectural character of the large mansion block, flatted properties.

4.14 Development of the area established the creation of a complete street of privately owned residential mansion flats of intricate plan and varied composition, all designed by the same firm of architects albeit over a period of 30 years. The mansion blocks provide a rich townscape of interest and maintain their original appearance and features. The mature tree lined street and the scale of development provides a relaxed urban atmosphere.

+ Assessment of harm

4.15 In terms of the impact of the development upon the character and appearance of the conservation area, the proposals seek to create a new residential flat through enlargement of an existing basement, excavation of new lightwells and introduction of new/enlarged windows and doors.

4.16 The location of the basements to the rear of the host building mean that any changes to the building would not be readily visible in public views of the site and would not impact upon the high-quality street environment and local townscape of Fitz-George Avenue

4.17 Furthermore, there are no trees in the immediate vicinity of the site which stand to be affected through the proposed excavation underneath the building.

4.18 The physical changes to the building are limited in scope. The further excavation of existing basements and the proposed lightwells would be mostly concealed from views from the service road to the rear of the building and their excavation alongside the introduction of new/enlarged windows and doors would not result in any impact upon the key architectural features of the host building.

4.19 As such, the proposals are not considered to result in any harm to the character and appearance of the conservation area; and its historic significance would be preserved.

4.20 For these reasons, Officers are satisfied that the character and appearance of the conservation area would be preserved with due regards to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with the NPPF (2024), London Plan (2021), and Local Plan Policy DC8.

+ Neighbouring amenity

4.21 Criterion e) of Policy DC11 also states that new basement accommodation will only be permitted where there is no adverse impact on the amenity of adjoining properties. Policies HO11 and DC4 also concern the protection of existing residential amenities. In this case, the main issue is noise. The new flat has the potential to create noise disturbance to habitable rooms within the ground floor flat directly above, although no details are given about what rooms are located immediately above the proposed flat. If the development was found to be acceptable in all other respects, a condition could be attached regarding enhanced sound insulation to be installed within the ceiling structure separating the new and existing flats to ensure that noise disturbance did not occur from the living activities inside the flat.

4.22 Representations received have also raised concern about the proximity of the proposed amenity spaces, to those windows directly above which belong to the ground floor flats. The proposed amenity space would be positioned directly underneath residential windows to the ground floor flats above, and it is considered that the creation of a new outdoor amenity space, which could be used for sitting out, small parties, and activities such as smoking, would have some level of impact upon the ground floor flats in terms of noise disturbance, loss of privacy and the quiet enjoyment of their flat. However, on balance, given the planning history and previous consent Officers are unable to sustain a refusal on this basis and accept on balance the proposed private amenity spaces would not result in demonstrable harm to existing neighbouring properties amenity.

4.23 With regards to the impact of construction, in terms of noise disturbance and other nuisances such as dust, if the application were to be approved, the Council would require a Construction Management Plan to be agreed, to ensure the amenities of residents are protected as far as possible throughout the construction phase. It has been raised that the occupants of the ground floor flat immediately above the proposed excavation may be required to move out altogether while floors are removed and reconstructed above the basement. This impact would be properly addressed by means of a Party Wall Agreement and is not considered to be a material planning consideration in this case.

QUALITY OF THE NEW RESIDENTIAL UNIT

4.24 Policy HO11 states that floor areas and room sizes in new build dwellings, conversions and changes of use, must meet the Nationally Described Space Standards (NDSS) requirements which is replicated in the London Plan where relevant. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.sqm and at least one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. According to the NDSS and

Policy D6 of the London Plan, the minimum GIA floorspace as per below are applicable to the scheme:

+ Size

4.25 The proposed two-bedroom flat would have a Gross Internal Area of 66.1 sq.m, which would be in accordance with the London Plan (2021) requirements and the DCLG's nationally described space standard for this type of flat. The double bedroom would be 16.7 sq.m, which would exceed the 11 sqm minimum requirement for a double bedroom. The second single bedroom would be 7.4 sqm which would marginally fall short of the 7.5sqm minimum requirement. However on balance given the width greater the minimum 2.15 requirement. This bedroom is considered to be satisfactory. The submitted section shows that the floor-to-ceiling height would be a uniform 2.3m throughout the flat, which is considered to be satisfactory.

+ Amenity space, daylight and sunlight, outlook

4.26 The proposed flat would be located entirely below ground floor level with lightwells forming the only source of natural light. The unit comprises a private outdoor amenity space to the west of the unit in the form of a terraced area, which totals 18.6 sqm. The proposed amenity space areas are significantly larger than the 5 sqm minimum size required by the London Plan and LBHF Planning Guidance SPD Policy HS1.

4.27 Furthermore, the basement bedroom would have its main source of light from the windows looking onto the private amenity space to the east. In respect of light and outlook to the new unit, Officers previously raised concerns with the earlier application that it's outlook would be poor. Although the lightwell would be open to the sky with no obstructions, it would be enclosed on three sides by the elevations of the existing building as well as by the railings that would be necessary to surround the lightwell. The Planning Inspector in determining the appeal previously stated: "7. An Assessment for the Provision Daylight and Sunlight dated November 2021 (the Assessment) has been submitted in support of the scheme. The Council had raised concerns that the Assessment does not reflect updated BRE guidance published in June 2022 which refers to new daylight and sunlight tests. The windows in the east elevation would be restricted by the adjacent high wall, the lightwells are small in size and the doors onto the amenity space to the west would be overshadowed by the existing stairwell for the main building. From the evidence before me, I am not satisfied that the proposal would receive sufficient levels of daylight and sunlight, and this would compromise the living conditions of future occupiers of the flat."

4.28 Accordingly, an updated Daylight and Sunlight Report was submitted in support of the current application that showed the internal light levels would be within acceptable limits. This overcomes the reason for refusal the Inspector dismissed the previous appeal on.

4.29 The Daylight and Sunlight Report dated May 2024 by Herrington Consulting Ltd concludes that both bedrooms and the living/ dining/ kitchen area within the new flat would have adequate daylight according to the illuminance calculations. For each room type 50% or more of the assessment area needs to meet or exceed

the target illuminance value for the room type (100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens), as follows:

- Bedroom 1: 92% of the room would meet the required lux levels.
- Bedroom 2: 95% of the room would meet the required lux levels.
- Kitchen/Living/ dining room: 100% of the room would meet the required lux levels.

4.30 Therefore, the proposal would meet the minimum daylight levels required in line with the BRE standards. With regards to sunlight, the BRE requirements for sunlight are that at least one main window faces within 90 degrees of due south and that a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on the 21st March. The submitted daylight and sunlight report demonstrates that the proposed development would meet the above minimum requirements. Bedroom 1 would receive 2.8 hours of sunlight and bedroom 2 would receive 2.3 hours on the 21st March and the combined living room, kitchen, diner would receive 3.3 hours of sunlight on the 21st March. As such, the proposal overcomes the Inspectors previous reason for dismissing the appeal.

4.31 In light of the planning history and the updated daylight and sunlight report, on balance, the proposal would result in satisfactory standard of accommodation.

HIGHWAYS AND TRANSPORTATION

+ Car parking for new flat

4.32 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T3 of the Local Plan (2018) specifies that new development should include the provision of convenient, accessible, safe and secure cycle storage within the boundary of the application site, in accordance with the London Plan cycle parking standards.

4.33 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available. In such instances, maximum residential car parking standards as set out the London Plan should be met.

4.34 The London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking.

4.35 The site is in a Controlled Parking Zone (Zone E) in operation 9am to 8pm, Monday to Saturday. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. This therefore justifies a car-free scheme which can be secured by restricting future car parking permits right for disabled parking only to those possessing a blue badge.

4.36 The Council will expect the residential units to be proposed as car-free and this needs to be secured by the signing of a Unilateral Undertaking (UU). This is the only mechanism the Council uses for securing car-free development. The signed Unilateral Undertaking (UU) would ensure the proposal adheres to both the Local Plan and London Plan policies regarding car parking for car-free residential development and is also beneficial to reduce air pollution from vehicle emissions. The applicant has agreed to enter into a Unilateral undertaking and has provided a draft UU. This would ensure the proposal is car-free and does not lead to increase demands in on-street car parking which would have an impact on highways safety and condition, as well as on localised air quality which is currently poor. The proposal is therefore in accordance with Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

+ Cycle parking

4.37 A new freestanding, covered cycle store with space for two cycles is proposed to be erected adjacent to the flank wall of the mansion block at ground floor level, just to the South of the new lightwell. This new store would be sufficient to meet the requirements of Local Plan Policy T3. If the application were acceptable in all other respects, a condition would be attached requiring details to be submitted.

+ Refuse storage

4.38 In terms of refuse storage, it is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal. For these reasons no objections are raised in terms of Local Plan Policy CC7.

+ Air quality

4.39 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.40 The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

4.41 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Hammersmith Road (A315) and North End Road (B317). The development proposal would introduce new residential receptors into an area of existing poor air quality.

4.42 At the proposed development site, the councils 2030 annual mean Air Quality targets for the air pollutants Nitrogen Dioxide (NO₂) - 10ug/m-3, Particulates (PM₁₀) - 15ug/m-3 and PM_{2.5} - 5ug/m-3 are exceeded. Further Mitigation measures would be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1 , and the councils Air Quality Action Plan.

4.43 The Council's Air Quality team have reviewed the application and suggested conditions to secure details of air quality mitigations.

+ Flood risk

4.44 This site is in the Environment agency's Flood Zone 2. The proposals are to create a new dwelling at lower ground floor level. As required, a Flood Risk Assessment (FRA) has been provided with the application. Whilst this dated from 2016 it is accompanied by an Addendum from 2024. The Addendum provides an update on the previously submitted FRA noting that the flood risks remain the same as before. The Environment Agency published new breach modelling for the River Thames in 2017 which has been considered but the site would not be impacted in the event of a breach of flood defences. Surface water, groundwater and sewer flood risks also remain as low. Nevertheless, some flood mitigation measures are proposed, which are considered to be appropriate.

4.45 Overall, the FRA can be accepted and a condition is included requiring the implementation of the measures as outlined. However, a condition is also attached requiring a further detailed SuDs strategy to be submitted, in order to maximise opportunities for urban greening and flood resilience in line with Local Plan (2018) policy CC3 and Policies SI 5 and SI 13 of the London Plan (2021).

+ Contamination

4.46 Local Plan Policy CC4 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

4.47 Key principles LC 1-6 of the Planning Guidance SPD identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.

4.48 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. Therefore, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are attached covering the assessment and remediation of contaminated land.

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

FIRE SAFETY

4.50 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.

4.51 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.

4.52 A 'Fire Strategy Statement' has been submitted as part of the application, outlining the details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). The new dwelling will be provided with a Home Fire Safety Pack - comprising of 2kg Dry Powder fire extinguisher and a British Standard hard case fire blanket. Residents will be made aware of the location of this equipment. Given the nature of the proposal, officers are satisfied that the proposed development would satisfy London Plan Policy D12, Part A.

5.0 RECOMMENDATION

5.1 On balance, in light of the above, Officers recommend that planning permission be granted for this development subject to conditions and a unilateral undertaking.

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
11th FEBRUARY 2025**

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T448/10/24

LAND AT MILLER'S COURT, CHISWICK MALL, W4

WARD/S:

RAVENSCOURT

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T448/10/24 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T448/10/24
LAND AT MILLER'S COURT, CHISWICK MALL, W4

1 DOCUMENTATION

1.1 TPO location plan. Photograph of tree T5 from British Grove South.

2 BACKGROUND

2.1 On 29th October 2024 delegated authority was given to make a Tree Preservation Order (TPO) at Miller's Court, Chiswick Mall. The TPO includes three Cherry trees (T1, T3 and T4), one Crab Apple tree (T2) and one Norway Maple tree (T5) 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 31st October 2024.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2024/02372/TREE to fell 8 trees in the central courtyard at Miller's Court. It is understood that the Conservation Area tree works notice was submitted on behalf of Miller's Court Tenants Ltd.

2.3 Trees T1-T4 are located within the courtyard at the centre of the residential development and are visible from the public highway on either British Grove South or Chiswick Mall. Tree T5 at the rear of the residential development is highly visible from the public highway on British Grove South.

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. In total eleven representations have been received. In total two objections to the confirmation of the Order have been received, one from Miller's Court Tenants Ltd and one from a resident at 15 Miller's Court. Nine representations in support of the confirmation of the Order have been received, from Nos. 1, 6, 8, 9, 14, 15, 19 and 20 Miller's Court and from the Hammersmith Society.

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 Two representations objecting to the confirmation of the TPO were received.

Objection 1:

Email and letter dated 5th November 2024 received from Miller's Court Tenants Ltd

This objection relates specifically to the inclusion of trees T1-T4 in the TPO and the main points in the letter are as follows:

'Millers Court Tenants is a Limited Company representing the interests of the Freeholders of 1-21 Millers Court, London W4 2PF and Cedar House, Chiswick Mall, London W4 2PS. We, the Directors of the Company, are responsible for managing the upkeep of the roads, gardens and other common parts on behalf of the Freeholders as set out on the Memorandum of Association. The Board is elected by the Shareholders at the Companies Annual General Meeting.'

'Over the past 12 months the Directors have been developing a scope of works for essential courtyard maintenance/repairs and have targeted a start date in the first half of 2025.

The proposed scope of works is as follows :-

a. Replacement of defective tarmac surfacing complete with brick edging. The current tarmac surfacing is in a poor condition resulting in water ponding during heavy rain. Due to the number of patch repairs undertaken in the past number of years, the current surface is unsightly. The brick bands are loose in a number of areas and are a potential trip hazard.

b. Works to existing 10Nr brick planters. A number of the brick planters are in a poor state of repair and require attention. Some of these planters have cracked as a result of the size of the trees. The 'brick on edge' coping is also loose in a number of areas as well as mortar re-pointing.

Following detailed consideration, the Board have concluded that the planters should be rebuilt on a like-for-like basis. Isolated repairs would be unsightly and would result in ongoing maintenance costs for the years going forward.

c. Works to trees. There are currently 8Nr trees in the brick planters to the courtyard area. Over the course of a number of years 2Nr trees have been removed as a result of decay. Following receipt of professional advice, the Board concluded that the most appropriate way forward would be to replace the 8Nr trees, grub out the roots and replant with new trees. 2Nr new trees would be planted to the missing brick planters. These works would be undertaken in conjunction with the rebuilding of the brick planters.

d. Conclusion. The Board concluded that all the works described above needed to be undertaken at the same time as a single project. This includes the replacement of the trees.'

The letter explains the rationale for the proposals as follows:

'a. Some of the trees have become far too large and the planter boxes were never intended to contain trees of this size. This has resulted in the brickwork 'cracking' in some of the planters which has become a maintenance issue going forward. This process cannot be reversed.

b. Shareholders have made us aware that they are unhappy with the size of the trees outside their first floor windows blocking light and restricting the view. This would never have been the intention of the developer back in the late 1960s.

c. It is probably unfortunate that in the past the trees have been allowed to grow and

have not been properly maintained. This has resulted in tree trunks of up to 400mm in diameter. No amount of pruning will change this. Some trees have been badly pruned in the past and are unsightly, and many of the flowering cherries are affected by a virus that is damaging their health.

d. Some shareholders have concerns with respect to the risk imposed by some of the courtyard trees. Over the years, trees have fallen which resulted in damage caused to a motor vehicle and a separate incident caused damage to the rear of one of the properties. As Directors, we have a responsibility for the safety of the shareholders and to the general public who walk through the courtyard.

e. The Board considers that, rather than dealing with one or two of the trees at a time, it would make sense to replace all the trees at once so that a consistent appearance can be achieved once more. A planned maintenance programme would be put in place to ensure that the errors of the past would not be repeated. It was unfortunate that, in making the planning application [sic] (2024/02372/TREE), Red Squirrel Surgery made no reference to replanting which was always our intention.

f. The Board are currently looking at a number of options for replacement trees to provide year-round interest, including species such as Acer, Cornus and Silver Birch. Consideration will be given to choosing trees that do not drop sap, do not need too much water and of interest to birds and insects. Trees would eventually grow to between 4-6 m in height with limited lateral spread.

g. It should be noted that the Company has to date collected funds from 80% of the shareholders. This reflects the majority support the Company has for the proposed works.'

The letter concludes that:

'we have no objection to the proposed Preservation Order T5 for the Norway Maple, we would fully support the proposal. We request that your team carefully consider the points raised above and do not proceed with making the orders permanent for T1, T2, T3 and T4, and permit the tree replacement works to proceed.'

Objection 2

Email received 10th November 2024 from resident at 7 Miller's Court

'Assuming those trees were planted in approx. 1970, the three Cherry trees (T1, T3, T4) and one Crab Apple tree (T2) are expected reach the end of, or even exceed their healthy lifespan. And without denying the positive contribution to the character and appearance of the Conservation Area, they decline in vitality, are increasingly susceptible to disease and may become dangerous. Protecting those trees would prevent replacing them with new healthy ones, hence ask the council to reconsider the Tree Preservation Order.'

3.2 Nine representations in support of the confirmation of the TPO were received including from the Hammersmith Society.

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. Officers have fully considered all the representations received.

The proposal by Miller's Court Tenants Ltd for a replacement tree planting scheme in the courtyard cannot be considered under the current consultation, which only relates to the principle of whether or not trees T1-T5 should be protected by a TPO. Miller's Court

Tenants Ltd were advised to submit an application for the Council's consent under the terms of the TPO, if they wished to pursue that option. An application (2024/02876/TPO) to fell and replace trees T1-T4 has subsequently been received and is currently being considered by Officers.

Some damage to one of the brick planters occupied by one of the TPO trees in the courtyard was noted, however it could be repaired and the growth of the tree could be controlled by pruning.

Officers carefully assessed all of the trees on the site against the criteria in Government guidance on the making of a TPO and the 5 trees included within the TPO are those which are visible from the public highway and which are considered to have significant amenity value and to make a positive contribution to the character and appearance of the Conservation Area. The other 4 trees in the courtyard which were proposed to be felled in the Conservation Area tree works notice were not included within the TPO due to their insufficient size, poor form, poor condition or lack of visibility from the public highway and may now be removed lawfully. The Council has no power to require the planting of replacement trees in respect of these 4 trees.

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 TPO trees 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 trees 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 trees or in the case of felling, to require the planting of replacement trees and to specify their 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 trees T1-T4 could be felled lawfully and the Council would have no power to require the planting of any replacement trees.

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 trees and to provide a legal framework for the future management of works to the trees.

4.3 The Council also has the option to confirm the TPO with modification to exclude one or more of the trees included within the Provisional Order. Officers do not recommend this option as all of the trees included within the Provisional Order are of sufficient amenity value to justify confirmation of the TPO.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The confirmation of the Order will ensure that the amenity value of the trees 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 trees, 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.

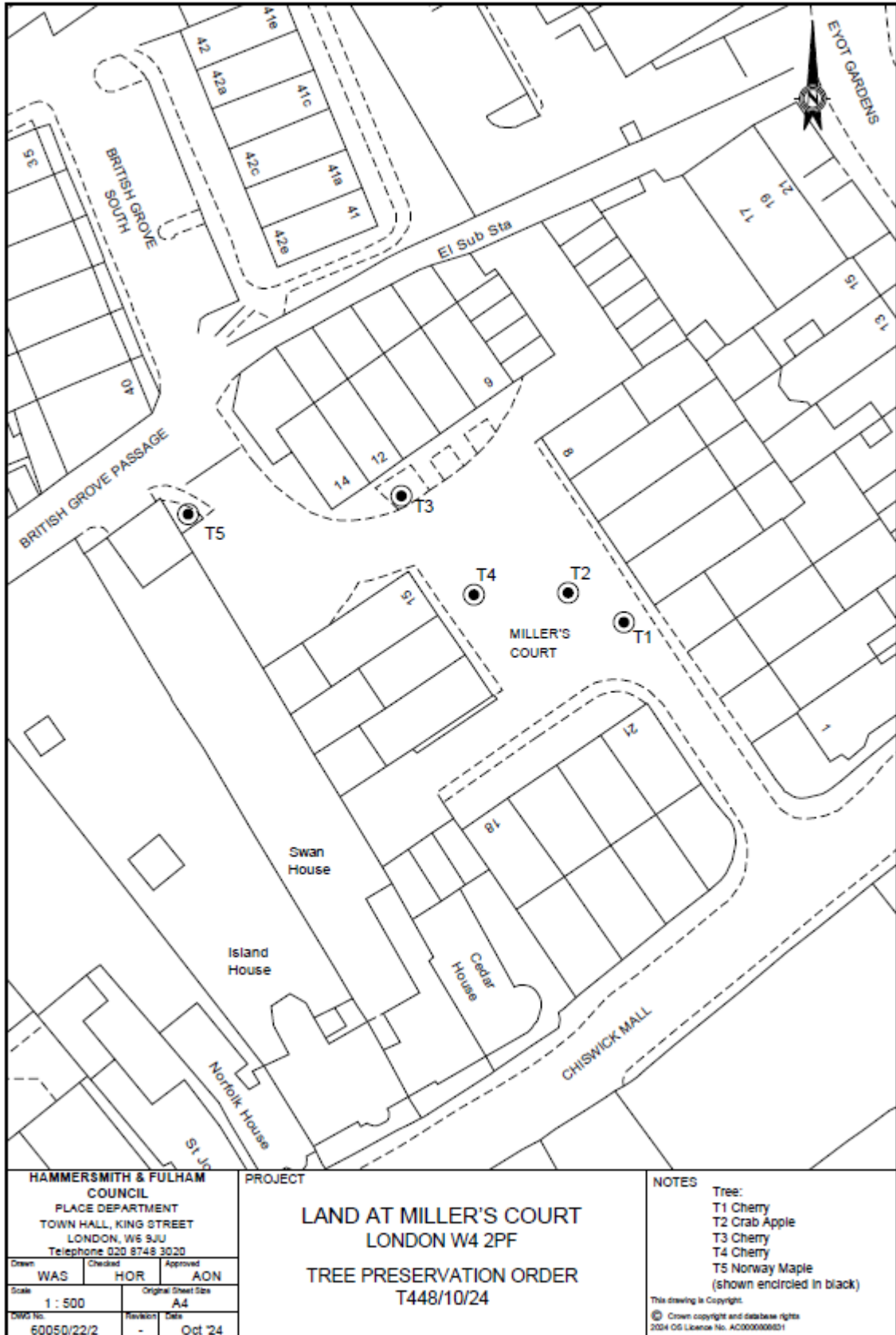


Figure 1: TPO location plan.



Figure 2:
Photograph of tree T5 as viewed from British Grove South.