

Planning and Development Control Committee

Agenda

Tuesday 16 September 2025 at 7.00 pm

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

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition
Councillor Nikos Souslous (Chair) Councillor Nicole Trehay (Vice-Chair) Councillor Ross Melton Councillor Patrick Walsh Councillor Callum Nimmo Councillor Lydia Paynter	Councillor Adrian Pascu-Tulbure Councillor Jackie Borland

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 11th September 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

16 September 2025

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS 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. 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. 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. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.	
3.	MINUTES To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 30 th July 2025.	5 - 12
4.	TESCO CAR PARK, BROOK GREEN, 180 SHEPHERD'S BUSH ROAD AND OPPOSITE 1 - 12 BARB MEWS LONDON W6, ADDISON, 2024/01344/FUL	13 - 55
5.	TESCO CAR PARK, BROOK GREEN, 180 SHEPHERD'S BUSH ROAD AND OPPOSITE 1 - 12 BARB MEWS AND BROOK GREEN PUB LONDON W6, ADDISON, 2024/01345/FUL	56 - 68

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|----|---|-----------|
| 6. | LIVE AND LET LIVE, 37 NORTH END ROAD, LONDON W14 8SZ,
AVONMORE, 2023/02712/FUL | 69 - 116 |
| 7. | 1A DURRELL ROAD, LONDON SW6 5LQ, MUNSTER,
2025/00352/FUL | 117 - 168 |
| 8. | 17 BLOOM PARK ROAD, LONDON SW6 7BQ, MUNSTER,
2025/01838/FUL | 169 - 179 |

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Wednesday 30 July 2025

PRESENT

Committee members: Councillors Ross Melton, Nikos Souslous (Chair), Patrick Walsh and Adrian Pascu-Tulbure

Other Councillors: Councillor Rowan Ree

Officers:

Matt Butler (Assistant Director of Development Management)
Ieuan Bellis (Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
John Sanchez (Deputy Team Leader)
Sinead Winship-David (Deputy Team Leader)
Neil Egerton (Team Leader)
Catherine Paterson (Principal Transport Planner)
Mrinalini Rajaratnam (Chief Solicitor Planning and Property)
Charles Francis (Clerk)

At the start of the meeting, the Chair proposed that the published running order of the agenda was changed so that Items 5 and 6 –Ravenscourt Park Hospital / LBC were considered first. This was agreed by the Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillors Lydia Paynter, Nicole Trehy, Callum Nimmo and Jackie Borland.

2. DECLARATION OF INTERESTS

For transparency, and in relation to Items 5 and 6 on the agenda (Ravenscourt Park Hospital) Councillor Patrick Walsh declared he was a ward Councillor for Ravenscourt. He confirmed he would consider both applications with an open mind and on their merits. He participated in the meeting and voted on the items.

3. MINUTES

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

The minutes of the previous meeting held on 8 July 2025 were agreed as an accurate record.

4. **RAVENSCOURT PARK HOSPITAL, RAVENSCOURT PARK, LONDON W6 0TU, RAVENSCOURT, 2023/03129/FUL**

For transparency, and in relation to Items 5 and 6 on the agenda (Ravenscourt Park Hospital) Councillor Patrick Walsh declared he was a ward Councillor for Ravenscourt. He confirmed he would consider both applications with an open mind and on their merits. He participated in the meeting and voted on the items.

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

Sinead Winship-David provided a presentation which covered the main application and the listed building consent application. A representative of the Ravenscourt Square Resident's Association spoke in objection to the application and a representative of Applicant spoke in support.

During the course of discussions, Councillor Patrick Walsh proposed that the approval of the construction logistics plan and the demolition logistics plan pursuant to condition 9 be referred back to Committee for consideration prior to the commencement of works. This was seconded by Councillor Nikos Souslous.

The Committee voted on the officer recommendations for approval, subject to the request for the construction logistics plan and the demolition logistics plan to be referred back to Committee, and as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 3:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed in the report as varied by the Addendum and subject to the completion of a satisfactory legal agreement in accordance with 3 below and subject to the approval of the construction logistics plan and the demolition logistics plan being brought back to committee for consideration.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any changes to the conditions listed below, which may include the amendment, addition or deletion of conditions.
3. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee, be authorised to make any minor changes to the heads of terms of the legal agreement and finalise the legal agreement to deal with the matters set out in Section 24 of this report.

5. RAVENS COURT PARK HOSPITAL, RAVENS COURT PARK, LONDON W6 0TU, RAVENS COURT, 2023/03130/LBC

For transparency, and in relation to Items 5 and 6 on the agenda (Ravenscourt Park Hospital) Councillor Patrick Walsh declared he was a ward Councillor for Ravenscourt. He confirmed he would consider both applications with an open mind and on their merits. He participated in the meeting and voted on the items.

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 listed building consent subject to the conditions listed below 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 changes to the

conditions listed in the report as amended in the Addendum, which may include the amendment, addition or deletion of conditions.

6. FORMER LAUNDRY SITE, REAR OF NOS. 9 - 61 PENNARD ROAD, W12, SHEPHERD'S BUSH GREEN, 2025/01351/FUL

John Sanchez provided a presentation. Peter Wheeler, Chairman of the Shepherd's Bush Market Tenants Association and a representative of the Applicant spoke in support.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

7. WHITE CITY LIVING, 54 WOOD LANE, LONDON W12 7RQ, COLLEGE PARK AND OLD OAK, 2024/02570/FUL

Sinead Winship-David provided a presentation. The Applicant waived his right to speak as there were no objectors.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 3:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed below as amended in the Addendum and subject to the completion of a satisfactory legal agreement in accordance with 3 below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee, be authorised to make any changes to the conditions listed below, which may include the amendment, addition or deletion of conditions.
3. That the Director of Planning and Property, be authorised after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee, to make any minor changes to the heads of terms of the legal agreement and finalise the legal agreement to deal with the matters set out in Section 26 of the report.

8. THRESHOLD AND UNION HOUSE, 65 SHEPHERD'S BUSH GREEN, LONDON W12 8TX, SHEPHERD'S BUSH GREEN, 2024/00917/VAR

Neil Egerton provided a presentation. The Applicant spoke in support of the application.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission subject to the condition 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 condition, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

9. **FLAT A BASEMENT,18 STOWE ROAD, LONDON W12 8BN, CONINGHAM, 2025/00018/FUL**

Neil Egerton provided a presentation on the application. The Applicant spoke in support and Councillor Rowan Ree spoke in support of the application.

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

Recommendation 1:

FOR	0
AGAINST:	Unanimous
NOT VOTING:	0

During the course of discussions, the Committee noted the comments of the applicant, Councillor Rowan Ree and that letters of support had been received from adjacent neighbours.

Councillor Ross Melton proposed a motion to approve the application and delegate authority to officers to attach appropriate conditions, as the development does not have a significantly different impact than the extant permission for an outbuilding on the same site and in comparison with other development in the conservation area the proposed development was not harmful to the character and appearance of the conservation area, nor does it have an overbearing impact on the neighbouring properties.

The motion was seconded by Councillor Adrian Pascu-Tulbure.

The Committee voted on the recommendation to approve the planning application for the reasons stated and delegate authority to officers to attach appropriate conditions.

Recommendation:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission subject to appropriate conditions for the following reason:

The committee considered that the proposed development does not have a significantly different impact than the extant permission for an outbuilding on the same site and also noted that in comparison with other development in the conservation area the proposed development is not considered harmful to the character and appearance of the conservation area, nor does it have an overbearing impact on the neighbouring properties. In this respect the proposal is considered acceptable in relation to relevant policies of the Local Plan (2018) and relevant Key Principles of the Planning Guidance SPD (2018).

10. **21 THORPEBANK ROAD, LONDON W12 0PG, WORMHOLT, 2024/03132/FUL**

Neil Egerton provided a presentation. There were no registered speakers.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

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

Addendum

Meeting started: 7.00 pm
Meeting ended: 10.32 pm

Chair

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

Applicant:

Site Acquisitions Ltd And Tesco Stores Ltd
C/O Agent hgh Consulting 45 Welbeck Street London
W1G 8DZ
England

Description:

Redevelopment of part of surface car park comprising the erection of a part two, part three storey building to provide 11 single family dwellinghouses (Class C3) and erection of part one, part two storey building to provide 1 single family dwellinghouse (Class C3); associated landscaping, boundary treatments, the creation of a footpath fronting Barb Mews, formation of cycle parking, refuse and recycling storage and one off street car parking space.

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

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

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

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

Drawings

2373-EXA-00-GF-DR-L-00001 REV P01; 2373-EXA-00-GF-DR-L-00101 REV A;
2373-EXA-00-GF-DR-L-00202 REV P01; 2373-EXA-00-GF-DR-L-00701 REV A;
2373-EXA-00-GF-DR-L-601 REV A; 2373-EXA-00-GF-DR-L-602 REV A; 2373-
EXA-00-GF-DR-L-603 REV A; 2373-EXA-00-GF-DR-L-00701 REV A;

HT.01 REV C; HT.02 REV B; HT.03 REV B; HT.04 REV B; HT.05 REV B; HT.06
REV A; HT.07 REV A;

PP.100 REV A; PP.101 REV B; PP.102 REV B; PP.103 REV B; PP.104 REV B;
PP.105 REV A;

PP.200 REV A; PP.201 REV B; PP.202 REV B; PP.203 REV B; PP.200 (Coloured
proposed Barb Mews Elevation); PP.202 (Coloured Proposed Tesco Elevation);

PP.300 REV B; PP.301 REV B; PP.302 REV B; PP.303 REV B; PP.304 REV B;
PP.305 REV A.

Documents

Air Quality Assessment (Ref. BMH-BWB-ZZ-XX-LA-RP-0001_AQA, REV 4.0,
dated May 2024) prepared by BWB Consulting;

Arboricultural Impact Assessment (Ref. P112jrMay24FV02_AIA, Issue V2, dated
May 2024) prepared by Arborclimb Consultants;

Circular Economy Statement (Ref. BMH-BWB-ZZ-XX-T-EC-0001_Circular
Economy Statement, REV P03, dated May 2024) prepared by prepared by BWB
Consulting;

CIBSE TM59/ Approved Document Part O 2021 Overheating Assessment (Ref.
BMH-BWB-ZZ-XX-RP-ME-0002_CIBSETM59 Overheating Assessment, REV
P04, dated May 2024) prepared by BWB Consulting;

Daylight and Sunlight Report (dated 10th May 2024) prepared by Consil;

Delivery and Servicing Plan (dated May 2024) prepared by YES Engineering
Group Limited;

Ecological Impact Assessment (Ref. BMH-BWB-ZZ-XX-T-EE-0002_Ecological
Impact Assessment, REV P02, dated May 2024) prepared by BWB Consulting;

Energy and Sustainable Design Statement (Ref. BMH-BWB-ZZ-XX-RP-ME-
0001_Energy and Sustainability Statement, REV P04, dated May 2024) prepared
by BWB Consulting;

Flood Risk Assessment and Sustainable Drainage Strategy (Ref.
425.064494.00001, REV 01, dated 1st May 2024) prepared by SLR Consulting
Limited;

Heritage Statement (dated May 2024) prepared by Heritage Information Ltd;

Landscape Strategy (dated May 2024) prepared by Exterior Architecture;

London Policy D12 (B) Fire Statement (Ref. OF-001386-FSS-01-C, REV C, dated 17th May 2024) prepared by Orion Fire Engineering;

Noise Impact Assessment (Ref. BMH-BWB-ZZ-ZZ-RP-YA-0001_NIA_S0_P02, REV P02, dated May 2024) prepared by BWB Consulting;

Planning Statement (dated May 2024) prepared by HGH Consulting;

Refuse and Recycling Management Plan (dated May 2024) prepared by YES Engineering Group Limited;

Transport Statement (dated May 2024) prepared by YES Engineering Group Limited;

Travel Plan (dated May 2024) prepared by YES Engineering Group Limited;

Townscape Visual Impact Assessment (dated May 2024) prepared by Heritage Information Ltd;

Whole Life Carbon Assessment (Ref. BMH-BWB-ZZ-XX-T-EC-0002-Whole Life Carbon Assessment, REV P03, dated May 2024) prepared by BWB Consulting.

Reason: 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 above ground works in the development hereby approved, details (including plan, section and elevation drawings at a scale of not less than 1:20) of external materials and fenestration shall be submitted to, and approved in writing by, the Council. An on-site materials and fenestration sample panel shall be erected for the inspection and approval of the Council in writing prior to the commencement of above ground works in the development hereby approved.

The development shall be carried out and completed in accordance with the approved details and sample panel. 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.

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

- 4) Prior to commencement of the relevant part of the development, detailed plan, section and elevation drawings (at a scale of not less than 1:20) of typical bays of the front and rear elevations of each house type shall be submitted to, and approved in writing by, the Council. The development shall be implemented in accordance with the approved details and shall thereafter be permanently retained.

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

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

Reason: To reduce the air quality impacts of the demolition and construction phases of the development, in accordance with Policy CC10 of the Local Plan (2018).

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

Reason: To reduce the air quality impacts of the demolition phase of the development, in accordance with Policy CC10 of the Local Plan (2018).

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

Reason: To reduce the air quality impacts of the construction phase of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 8) Within seven days of commencement of the enabling works, site clearance or demolition works of the development hereby permitted, details of the Non-Road Mobile Machinery (NRMM) to be used shall be submitted to and approved in writing by the Local Planning Authority. The NRMM shall have CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage V 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 shall be registered on the London GLA NRMM register GLA-NRMM-Register. Approved details shall be fully implemented and thereafter permanently retained and maintained until occupation of the complete development.

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

- 9) Prior to commencement of above ground works in the development hereby approved, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the twelve self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where World Health Organisation (WHO) Annual Mean Air Quality Guideline Values 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:

1. Details and locations of the ventilation intake locations at rear roof level.
2. 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.
3. 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.
4. 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.

Reason: To ensure satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

- 10) No piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by, the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

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

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

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

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

- 14) Prior to commencement of the development hereby approved, a demolition method statement and 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 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.

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

- 15) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibration will meet a level that has a low probability of adverse impact, and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

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

- 16) 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.

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) 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.

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).

- 18) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence 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).

- 19) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence 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).

- 20) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence 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).

- 21) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence 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).

- 22) The development hereby approved shall not commence until a statement of how secure by design requirements are to be achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out before any use of that part of the development to which the approved details relate.

Reason: To ensure a safe and secure environment, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

- 23) Prior to commencement of any landscaping works, detailed plan, section and elevation drawings (at a scale of not less than 1:20) shall be submitted to and approved in writing by the Council, of the hard and soft landscaping of all areas external to the residential buildings and Barb Mews, including replacement tree planting, boundary treatments and paving. The development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted in the next appropriate planting season.

Reason: To ensure a satisfactory external appearance and biodiversity in accordance with Policies DC2, DC8 and OS4 of the Local Plan (2018) and Policy G5 of the London Plan (2021).

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

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

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

- 25) Prior to first occupation of the 12 residential dwellings hereby approved, a Delivery and Servicing Management Plan (DSMP) developed in accordance with Transport for London guidance shall be submitted to and approved in writing by the Council. The DSMP shall detail the management of deliveries, emergency access, collection of waste and recyclables, location of parking bays and vehicle movements associated with delivery and servicing of the residential units. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

Reason: To ensure delivery and servicing arrangements do not result in detrimental harm to the safe operation of the highway network, in accordance with Policy T7 of the London Plan (2021).

- 26) 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 9, 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.

Reason: To ensure satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

- 27) Prior to occupation of the development hereby approved, the installation/commissioning certificates including photographic confirmation of the installed electric induction cooking stoves in the kitchens of the twelve self-contained dwellinghouses (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.

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

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

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 29) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports including photographic confirmation of the installed Waste Water Heat Recovery System (WWHRS) for the twelve self-contained dwellinghouses (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.

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 30) Prior to occupation of the development hereby permitted, details of the installation/commissioning of the installed electric vehicle charging point (minimum 7kW) including location, type and photographic confirmation for the one off-street blue badge car parking space for Unit 12 shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

Reason: To safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 31) Prior to occupation of the detached dwelling (Unit 12) hereby approved, details (including plan, section and elevation drawings at a scale of 1:20 and manufacturer specifications and maintenance details, including measures to ensure that no wheelchair occupiers are trapped if the turntable breaks down) of the proposed vehicular turntable, tactile paving and safety mirror shall be submitted to, and approved in writing by the Council. The approved details shall thereafter be retained and maintained in working order for the lifetime of the development.

Reason: To ensure the safe operation of the public highway, in accordance with Policies T1, T5 and T6 of the Local Plan (2018).

- 32) Prior to occupation of the 12 residential units hereby approved, full details of the cycle storage provision (including design, materials and location) shall be submitted to, and approved in writing by, the Council. The cycle storage shall thereafter be retained for the lifetime of the development.

Reason: To ensure satisfactory standards of cycle parking, in accordance with Policy T5 of the London Plan (2021).

- 33) Prior to the first occupation of the development hereby permitted, a Detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the framework submitted with the application and shall include:

1. Objectives and Targets for sustainable travel modes;
2. Measures to promote walking, cycling, public transport, and other sustainable travel options;
3. Monitoring and Review Mechanisms, including annual surveys;
4. Action Plan with responsibilities and timescales;
5. Details of a Travel Plan Coordinator and their role;
6. Information Pack for residents/employees on sustainable travel options;
7. Arrangements for implementation and enforcement.

The approved Travel Plan shall be implemented in full upon first occupation and maintained thereafter in accordance with the agreed details.

To ensure that the proposal does not adversely impact on the operation of the public highway, in accordance with Policy T4 of the London Plan (2021) and Policies T1, T2 and T7 of the Local Plan (2018).

- 34) Prior to the occupation of the development hereby permitted, the slot windows at ground-floor in the front (east) elevation, the front panel of the oriel windows at first-floor in the front (east elevation) and the ground-floor and first-floor windows in the side (north) elevation of the proposed dwellings [drawing Nos. PP.101 REV B, PP.102 REV B, HT.01 REV C, HT.02 REV B, HT.03 REV B, HT.04 REV B and HT.05 REV B] shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

Reason: To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018)

- 35) The terraces hereby approved shall not be first used until the privacy screening has been installed as shown on approved drawing nos. PP.103 REV B, HT.101 REV B, HT.102 REV B, HT.103 REV B, HT.104 REV B and HT.105 REV B. The privacy screen shall have a height of 1.7m above the finished floor level of the terrace along the north, south, east elevations. The privacy screen shall thereafter be permanently retained as approved.

Reason: To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 36) Other than the areas shown as a terrace on the approved plans, no part of the remainder of the roofs of the 12 residential dwellings hereby approved 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 roofs. No railings or other means of enclosure shall be erected around the remaining roofs and no alterations shall be carried out to the property to form an access onto these roofs.

Reason: 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).

- 37) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment [Flood Risk Assessment and Sustainable Drainage Strategy (Ref. 425.064494.00001, REV 01, dated 1st May 2024) prepared by SLR Consulting Limited and the Response to Drainage Comments letter (dated 28.10.2024) prepared by SLR Consulting Limited]. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

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

- 38) The residential units at this address shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

Reason: The use of the property as residential units in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8, HO11, CC11, CC13 and T1 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1) Housing supply, affordable housing and standard of accommodation

The proposal would result in the net-gain of twelve (12) family sized residential units, contributing towards the Borough's housing targets and providing four affordable homes. The proposed residential accommodation would be of a high standard, providing unit size, individual room size, floor to ceiling height, outlook and light and amenity space consistent with the London Plan (2021) and the Local Plan (2018). The proposal would be consistent with Section 5 of the National Planning Policy Framework (NPPF, 2024), Policies H1, H5, H6, H10, D6, D13 and D14 of the London Plan (2021) and Policies CC11, CC13, HO1, HO4, HO5 and HO11 of the Local Plan (2018).

- 2) Design and visual amenity

The proposal would introduce new housing which would provide an active frontage to the west side of Barb Mews, with their scale, massing, design and materials compatible with the character and appearance of the surrounding development, in particular the height and massing of the existing two-storey mews buildings on the east side of Barb Mews. Accordingly, the proposal would not harm the significance of the Brook Green Conservation Area or the adjoining Melrose Conservation Area, and the setting of the adjacent Listed Building and locally listed Buildings of Merit would not be harmed. Furthermore, the proposal would provide significant improvements to the public realm which maintaining public access to the existing pedestrian route from the Tesco Supermarket to Barb Mews in perpetuity. The proposal would be consistent with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, Sections 12 and 16 of the NPPF (2024), Policies D3 and HC1 of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 3) Inclusive access

The proposal would ensure that 90% of the residential units are designed to Building Regulation M4 (2) specification and 10% are designed to Building Regulation M4 (3) specification, consistent with Policy D7 of the London Plan (2021) and Policy HO6 of the Local Plan (2018).

4) Neighbouring amenity

The proposal, by reason of its scale, massing and siting, would be considered to mitigate against detrimental harm to the amenity of neighbouring occupants, with regard to outlook, light, privacy, noise and a sense of enclosure, consistent with Policies HO4 and HO11 of the Local Plan (2018).

5) Highways

The proposed residential units would be car free, with the exception of one off-street parking space to provide a blue badge parking space for residential unit 12. A satisfactory provision of short-stay and long-stay cycle parking will be secured by condition. The proposal includes improvements to Barb Mews which would enable emergency vehicles and refuse/recycling vehicles to traverse along Barb Mews, which is not currently possible. Conditions will secure a detailed construction logistics plan and a delivery and servicing plan. The proposal would be consistent with Policies T5, T6 and T7 of the London Plan (2021) and Policies CC7, T1, T2, T3, T4, T6 and T7 of the Local Plan (2018).

6) Environmental matters

Subject to conditions and Legal Agreement, the proposal would mitigate against detrimental harm with regard to air quality, Biodiversity Net Gain, ecology, flood risk, land contamination and trees. This would be consistent with Policies SI 1, G5 and G7 of the London Plan (2021) and Policies CC3, CC4, CC9, CC10 and OS5 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 4th June 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:

London Fire And Emergency Planning Authority
Health And Safety Executive Fire Safety
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control
Active Travel England

Dated:

21.10.24
26.07.24
14.08.24
08.08.24
29.07.24

Neighbour Comments:

Letters from:

Dated:

Flat 4 150 Shepherds Bush Road London W6 7PB	23.08.24
Flat B 11, Lena gardens London W6 7PY	11.08.24
15 Lena Gardens London W6 7PY	30.08.24
17 Lena Gardens London W6 7PY	09.10.24
17 Lena Gardens London W6 7PY	27.08.24
17 Lena Gardens London W6 7PY	11.06.25

COMMITTEE REPORT

1.0 SITE DESCRIPTION

- 1.1 This planning application relates to the eastern part of the surface car park of the Tesco store at Brook Green (adjacent to Barb Mews) and would see the erection of twelve (12) residential dwellings on land forming part of Tesco's surface car park. The land is enclosed by the rear boundaries of properties along Lena Gardens to the north, Barb Mews to the east, Shepherd's Bush Road to the south and Nos. 180 and 182 Shepherds Bush Road to the west.
- 1.2 Officers note that the capacity of the car park would be reduced by 55 spaces; from 204 spaces to 149 spaces (factoring in both the retained basement level car parking and the resultant surface level car parking), and this would necessitate the re-configuration of the remainder of the surface car park. The re-configuration of the surface car park is the subject of a separate Planning Application Ref. 2024/01345/FUL.
- 1.3 The site is located within the Brook Green Conservation Area and is adjacent to the Melrose Conservation Area. The site is situated within the setting of the Grade II listed 184 Shepherds Bush Road and within the setting of the retained corner tower of the former Osram factory, now part of Osram Court, 182 Shepherds Bush Road and the Brook Green Hotel, 170 Shepherds Bush Road, both of which are on the Council's Local Register of Buildings of Merit.
- 1.4 The application site has a Public Transport Accessibility Level (PTAL) of 6b rating, indicating excellent public transport accessibility.
- 1.5 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3.

2.0 PLANNING HISTORY

- 2.1 There are a number of planning records related to the application site, with a proportion of this site history relating to advertisement consent applications. Officers consider that the following planning history is of most relevance to the current planning application:

1995/02116/FUL - Formation of a new pedestrian entrance from Barb Mews into Tesco car park. Granted.

2000/03197/FUL - Continued use of the premises as a supermarket (including variation of condition 18 of planning permission RN:1993/ 0584/P to extend permitted trading hours). Granted.

2024/01345/FUL - Reconfiguration of existing store car parking area at ground level to include the creation of new car parking spaces, cycle parking and bicycle racks, formation of pedestrian crossing and associated landscaping. Currently under consideration.

3.0 PROPOSAL

- 3.1 The current planning application seeks planning consent for the erection of twelve (12) residential dwellings on land forming part of Tesco's surface car park. This would consist of a terraced mews of eleven (11) dwellings and one (1) detached dwelling.
- 3.2 The proposed residential dwellings would contain the following unit mix:
- 2 x 4-bed, 7-person dwellings
 - 10 x 4-bed, 8-person dwellings
- 3.3 The proposal would also involve the re-surfacing of the road surface along Barb Mews and the creation of a 1.2m wide footway outside of the existing Barb Mews dwellings and dedicated refuse/recycling and cycle parking provision.

4.0 CONSULTATIONS

- 4.1 The application was publicised by means of a press notice and site notice as well as individual letters sent to neighbouring occupants (373 letters sent). In response to the consultation five (5) objections were received. These can be summarised as follows:
- The proposal will result in detrimental harm to neighbouring amenity, particularly with regard to outlook, noise and disturbance (both during construction works and during operation of the development)
 - The submitted noise assessment is flawed, how can it be possible for a noise survey over a single night to generate a reflective baseline of existing background noise levels;

- The proposal will harmfully exacerbate levels of congestion and parking stress in the locality of the application site.
- The existing pedestrian link between Barb Mews and Tesco will be closed during construction works, and there would be restrictions in the hours of use of the pedestrian link following completion of the development.
- The proposal would provide new opportunities for thieves to scale the walls of the development and access the rears which back onto Lena Gardens.
- Some of the documentation submitted as part of the application was not available for review.

4.2 Officer response: The material planning considerations will be assessed within this report.

External consultee responses:

- 4.3 Active Travel England - comments outline that the proposal does not meet the statutory thresholds for consideration by Active Travel England.
- 4.4 Health and Safety Executive (HSE) - comments outline that the proposal would not fall under the remit of planning gateway one because the height condition of the relevant buildings are not met.
- 4.5 Metropolitan Police (Design out Crime) - No objection, subject to a pre-commencement condition outlining how 'Secure by Design' requirements are to be achieved, and restricting the hours of use of the access alleyway
- 4.6 Thames Water - No objection, subject to a pre-commencement condition relating to a piling method statement.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (December 2024)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

London Plan

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

Local Plan

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

6.0 PLANNING CONSIDERATIONS

- 6.1 Officers consider that the proposal would raise the following material planning considerations:

- Land use (housing supply and the loss of part of the car parking arrangements for Tesco);
- Housing mix;
- Affordable housing;
- Quality of the proposed residential accommodation;
- Inclusive Access;
- Design and heritage matters;
- Impact upon neighbouring amenity;
- Highways/parking and waste management;
- Energy and sustainability;

- Trees, Ecology and Biodiversity Net Gain
- Air quality;
- Flood risk;
- Land contamination;
- Fire Safety.

LAND USE (HOUSING SUPPLY AND THE LOSS OF CAR PARKING FOR TESCO)

+ Housing supply

- 6.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2024) 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 2029. Policy HO1 of the Local Plan (2018) specifies that H&F will seek to provide at least 1,031 new residential dwellings up to 2035.
- 6.3 The proposal would result in the net-gain of twelve (12) self-contained dwellings, which would contribute towards the Borough's housing supply targets. Accordingly, the provision of residential accommodation would be considered acceptable in principle, consistent with Policy H1, Table 4.1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).

+ Loss of car parking for Tesco

- 6.4 The application site is currently in use as part of the car park provision for the Tesco Supermarket. The submitted Transport Statement specifies that 'in order to facilitate this new residential development the Tesco's Superstore car park will lose 55 surface level parking spaces in the east of their car park'. A parking accumulation survey (contained within Appendix B of the submitted Transport Statement) was undertaken on Saturday 16th and Sunday 17th December 2023. This sets out the following breakdown of the 203 parking spaces present:

Standard parking: 178 total spaces (87 surface spaces and 91 underground spaces)

Disabled parking: 8 total spaces (5 surface spaces and 3 underground spaces)

Parent and child parking: 11 total spaces (8 surface spaces and 3 underground spaces)

Electric parking: 4 total spaces (4 surface spaces and 0 underground spaces)

Click and collect: 2 total spaces (2 surface spaces and 0 underground spaces)

- 6.5 The parking survey outlines that the maximum number of cars recorded at the car park during the parking survey was 126 (on Saturday 16th December 2023 at 12 noon), leaving 77 spaces available. Officers consider that the loss of 55 car parking spaces could be accommodated by the remaining car parking provision within the application site, and resultantly officers consider the proposal would not result in significant harm to the level of parking provided for the Tesco Superstore, and satisfactory levels of car parking will be retained.

HOUSING MIX

- 6.6 Policy H10 of the London Plan (2021) outlines that schemes should generally consist of a range of unit sizes, with the appropriate mix of unit sizes informed via regard to a number of factors including:
- Local evidence of need where available;
 - The requirement to deliver mixed and inclusive neighbourhoods;
 - The need to deliver a range of unit types at different price points across London;
 - The nature and location of the site;
 - The need for additional family housing.
- 6.7 Policy HO5 of the Local Plan (2018) sets out that for market housing, a mix of unit sizes including larger family accommodation should be sought, with Paragraph 6.51 of the Local Plan (2018) stating that there is a particular need for more family sized housing (three or more bedrooms) within the borough of H&F, particularly affordable housing. Notably, the council's Strategic Housing Market Assessment (SHMA) has found that 42% of the current affordable/social rented accommodation is one-bedroom properties, and only 24% are properties with three or more bedrooms.
- 6.8 The proposed development focuses on the provision of family sized accommodation and accordingly provides the following unit mix: 12 x 4-bedroom units. The twelve family sized units proposed would contribute towards the particular need for more family sized dwellings within the borough. Accordingly, officers raise no objection to the proposed unit mix, which is considered to be consistent with Policy H10 of the London Plan (2021) and Policy HO5 of the Local Plan (2018).

AFFORDABLE HOUSING

- 6.9 The submitted Affordable Housing Statement outlines that the proposal seeks to provide affordable housing under the 2021 London Plan's 'Fast Track Route'. Fast tracked applications are not required to provide a viability assessment at application stage. Policy H5 of the London Plan (2021) specifies that the threshold level of affordable housing on gross residential development is initially set at:

1) A minimum of 35%; or

2) 50% for public sector land where there is no portfolio agreement with the Mayor;
or

3) 50% for strategic industrial locations, locally significant industrial sites and non-designated industrial sites appropriate for residential uses in accordance with Policy E7 industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity.

6.10 To follow the Fast Track Route of the Threshold Approach, applications must meet all the following criteria:

1) Meet or exceed the relevant threshold level of affordable housing on site without public subsidy;

2) Be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure);

3) Meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant;

4) Demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing

6.11 The proposal provides a total of 4 affordable homes (Houses 1, 2, 3 and 4), which consist of two Type A units (4-bed, 7-person) and two Type B units (4-bed, 8-person). This results in the provision of 35% affordable housing (as measured by habitable room) with a proposed tenure split of 70% low cost rented homes and 30% intermediate homes as shared ownership. Officers note that this would be in accordance with Policy H6 of the London Plan (2021). Accordingly, officers are satisfied with the provision of affordable housing.

QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

+ Unit size and individual room size

6.12 The proposal would involve the creation of twelve (12) new residential units, and accordingly officers consider that the proposed residential units should be assessed against the unit and individual room sizes outlined within Policy D6 of the London Plan (2021). Pages 16 - 20 of the Design and Access Statement specify that the proposed residential units would feature the following gross internal area (GIA). Officers note that the floorspaces have been confirmed via plan measurements:

- House Type A (Houses 1 and 2): Unit size of 141sqm. Complies with the 121sqm requirement of a 4-bed, 7-person unit over 3-storays, as stated by Policy D6 of the London Plan (2021).

- House Type B (Houses 3 and 4): Unit size of 155sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).

- House Type C (Houses 5 - 9): Unit size of 155sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).

- House Type D (Houses 10 - 11): Unit size of 161sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).

- House Type E (House 12): Unit size of 188sqm. Complies with the 124sqm requirement of a 4-bed, 8-person unit over 2-storeys, as stated by Policy D6 of the London Plan (2021).

6.13 With regard to internal rooms, Policy D6 of the London Plan (2021) sets out the following standards:

- A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

- A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sqm.

- A one bedspace single bedroom must have a floor area of at least 7.5 sqm and be at least 2.15m wide.

- 3sqm of built-in storage space would be required for the four-bed units.

6.14 The submitted plans and design and access statement confirms that the minimum individual room sizes and built-in storage space requirements would be met. Accordingly, officers consider that the unit and individual room size of the proposed residential dwellings would be consistent with the requirements of Policy D6 of the London Plan (2021).

+ Finished floor to ceiling height

6.15 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height of each dwelling must be 2.5m for at least 75% of each dwelling's GIA. Measurements taken from the proposed section drawings indicate that the proposed residential units would be provided with minimum finished floor to ceiling heights of at least 2.5m for 75% of each dwelling's GIA. Accordingly, the proposed residential units would be provided with a sufficient finished floor to ceiling height to achieve compliance with Policy D6 of the London Plan (2021).

+ Outlook and light

- 6.16 Policy HO4 of the Local Plan (2018) specifies that new housing should provide a high-quality residential environment and be well designed internally and externally. Policy HO11 of the Local Plan (2018) specifies that the Council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard that meets the needs of future occupants. Outlook and light will be important considerations in relation to this.
- 6.17 The applicant has submitted a Daylight and Sunlight Report (dated 10 May 2024) prepared by Consil as part of this planning application, assessing both the levels of daylight and sunlight that would be received to the habitable rooms within the proposed residential units themselves, as well as the proposal's impact on daylight and sunlight amenity to surrounding residential properties (discussed later in report).
- 6.18 The proposal has been assessed against the 'Daylight Factor' methodology specified within the BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, third edition (2022). The results demonstrate that 61 of the 65 analysed habitable rooms assessed would be compliant with the BRE guidance, taking into account the existing mature trees in summer leaf.
- 6.19 There are four rooms which fall short of the BRE guidance illuminance values, and these are ground-floor galley style kitchens, serving units 1 - 4. These are deep and narrow rooms which have well-lit areas directly in front of the windows serving them, and officers highlight that the majority of the kitchen's worktop space would be daylit, whilst the area to the rear of these rooms which receive less daylight contain white goods, which are usually designed to be artificially lit. Officers highlight that the BRE Guidance outlines in Paragraph 1.6 that 'although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'. Officers are satisfied that the provision of daylight to these four galley style kitchens would not result in a detrimental impact to the overall provision of daylight to future occupants of these proposed residential units.
- 6.20 With regard to sunlight, it is recommended that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1st February and 21st March, with cloudless conditions. Paragraph 3.1.2 of the BRE guidance specifies that the main requirement for sunlight is typically in living rooms, with sunlight viewed as less important in bedrooms and kitchens. The submitted Daylight and Sunlight report outlines that 47 out of the 65 habitable rooms would receive a minimum of at least 1.5 hours of sunlight on 21st March.
- 6.21 As noted within Appendix E of the report, a number of the habitable rooms which fall below the recommended sunlight provision are ground-floor kitchens or first and second-floor bedrooms, and accordingly, officers consider that a greater degree of flexibility can therefore be provided, given that future occupants would be expected to spend a greater proportion of their time within the residential units within the main living room area. Regarding the ground-floor rear courtyard external amenity space, the Daylight and Sunlight report outlines that the courtyards would receive a high proportion of sunlight during the summer months, ranging from a 60% - 84% coverage receiving 2 hours of direct sunlight.

6.22 With regard to outlook, each habitable room of the proposed residential units would be directly served by at least one window. It is acknowledged that the first-floor bedrooms fronting Barb Mews would include oriel windows, with an obscure-glazed front window and clear-glazed side returns. This is to mitigate against harmful levels of overlooking to existing residents within Barb Mews. Nevertheless, these particular rooms are dual aspect, with a second window, to the flank elevation of these rooms, proposed to increase the levels of outlook from these rooms. Officers are satisfied that this arrangement achieves a satisfactory balance between ensuring sufficient outlook from these first-floor bedrooms and mitigating against detrimental harm to residents within Barb Mews, in terms of overlooking and loss of privacy.

6.23 Overall, officers are satisfied that future occupants of the proposed residential units would be provided with a high standard of daylight, sunlight and outlook, consistent with Policies HO4 and HO11 of the Local Plan (2018).

+ Noise

6.24 Policy D14 of the London Plan (2021) outlines that residential and other non-aviation development proposals should manage noise to avoid a significant adverse noise impact on health and quality of life. Policies CC11 and CC13 of the Local Plan (2018) also have similar aims, outlining that housing and other noise-sensitive development will not normally be permitted where the occupants/users would be adversely impacted by noise and other nuisances.

6.25 Policy D13 of the London Plan (2018) outlines that the agent of change principle places the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise-sensitive development.

6.26 The proposed residential units would be located in proximity to the existing Tesco Superstore and other surrounding residential and commercial premises. Resultantly it is important that a robust noise assessment of external noise levels is undertaken. Furthermore, noise associated with the operation of the Tesco store should also be taken into consideration when assessing the potential noise impacts on future occupants of the proposed residential units, including the impacts of delivery/servicing noise at the Tesco premise.

6.27 The applicant has submitted a Noise Impact Assessment (dated May 2024) prepared by BWB Consulting, which details the two locations where baseline noise survey measurements were taken. Paragraph 4.1 of the Noise Impact Assessment confirms that the assessment has considered noise from road traffic and customer activity on Tesco car park as the dominant source of ambient environmental noise in the immediate surroundings.

- 6.28 Section 4 of the Noise Impact Assessment acknowledged that the internal noise criteria specified by BS8233: 2014 are likely to be exceeded, assuming partially opened windows for background ventilation purposes. Subsequently, mitigation measures are discussed in Section 5 of the Noise Impact Assessment, and the use of double-glazed windows achieving a minimum sound insulation performance of $R_w + C_{tr}$ 26 dB and full-house mechanical ventilation (to ensure no reliance is made upon openable windows during the night-time) are considered to be necessary. The report concludes by specifying that with mitigation in place, the relevant BS8233: 2014 criteria can be achieved based on the proposed layout. The Council's Environmental Protection have reviewed the submitted Noise Impact Assessment and have sought conditions to ensure that the noise mitigation measures referred to are included within the development.
- 6.29 Key Principle NN3 of the Planning Guidance SPD (2018) specifies that in the design of new residential dwellings, careful consideration should be given to stacking and layout of rooms in relation to adjoining walls, floors and ceilings. To ensure that the amenity of occupiers is not adversely affected by noise, the council expects that all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use. A pre-commencement condition requiring details of enhanced sound insulation of at least 5dB above Building Regulation values between the proposed residential units will therefore be included.
- 6.30 Subject to the above, officers are satisfied that the proposal would prevent future occupants from being exposed to harmful levels of noise and disturbance, consistent with Policies D13 and D14 of the London Plan (2021), Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

+ Amenity space

- 6.31 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the borough development plan documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings, and an extra 1sqm should be provided for each additional occupant. Officers recognise that Key Principle HS1 of the Planning Guidance SPD (2018) sets a higher local standard, with this Key Principle aiming for every new family (3 or more bedrooms) dwelling to have access to amenity or garden space of no less than 36sqm.
- 6.32 In accordance with Key Principle HS1 of the Planning Guidance SPD (2018), each of the twelve (12) proposed residential units would be provided with private amenity space of at least 36sqm. This takes the form of a ground-floor rear garden, and upper-level terrace space (at second-floor level for Units 1 - 11 and at first-floor level for Unit 12). Officers are satisfied that this provision would be appropriate to the type of housing provided, providing future occupants with accessible and good quality amenity space. No objections are raised with regard to Policy D6 of the Local Plan (2021) and Key Principle HS1 of the Planning Guidance SPD (2018).

- 6.33 Overall, officers are satisfied that the twelve (12) residential units proposed would provide future occupants with a high-standard of accommodation, consistent with Policies D6, D13 and D14 of the London Plan (2021), Policies CC11, CC13, HO4 and HO11 of the Local Plan (2018) and Key Principles HS1 and NN3 of the Planning Guidance SPD (2018).

INCLUSIVE ACCESS

- 6.34 Policy HO6 of the Local Plan (2018) and Key Principles DA2 and DA3 of the Planning Guidance Supplementary Planning Document (SPD, 2018) specifies that the Council will seek to secure high-quality accessible homes in all developments that include housing, including:
- 90% of new housing meeting Building Regulation requirement M4 (2) 'accessible and adaptable dwellings';
 - 10% of new housing meeting Building Regulation requirement M4 (3) 'wheelchair user dwellings'
- 6.35 Policy D7 of the London Plan (2021) outlines that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must provide the mixture of M4 (2) and M4 (3) units as specified in the relevant local plan and planning guidance SPD above.
- 6.36 The submitted Accessibility Statement specifies that eleven (11) of the proposed residential units would be designed to M4 (2) specification, with one (1) of the proposed residential units designed to M4 (3) specification. This would be consistent with the requirements of Policy D7 of the London Plan (2021), Policy HO6 of the Local Plan (2018) and Key Principles DA2 and DA3 of the Planning Guidance SPD (2018). As such no objection is raised to this element of the proposal.

DESIGN AND HERITAGE MATTERS

- 6.37 Section 12 of the NPPF (2024) outlines that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. Section 16 of the NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

- 6.38 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 specifies that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] 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'. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.39 London Plan (2021) Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 6.40 Policies DC1 and DC2 of the Local Plan (2018) outline the importance of delivering high quality development that improves the quality of the built environment. Amongst other things they require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of bulk, scale, materials, and design.
- 6.41 Policy DC8 of the Local Plan (2018) states that the council will aim to protect, restore and/or enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance Supplementary Planning Document (SPD, 2018) Key Principles AH2, CAG3 and CAG6.
- 6.42 The application site consists of the eastern part of the surface car park of the Tesco supermarket at Brook Green (adjacent to Barb Mews). The Tesco car park part of the application site was formerly part of the Osram Factory, which was redeveloped for a supermarket with housing above, incorporating the corner tower of the former factory which is on the Council's Local Register of Buildings of Merit. The site is located adjacent to the Grade II listed building at 184 Shepherds Bush Road, now in use as offices but which was originally built as a car showroom and garage for the Ford Motor Company. To the east is the Brook Green Hotel, 170 Shepherds Bush Road which is a Victorian public house on the Council's Local Register of Buildings of Merit.

- 6.43 The proposal would result in the disposal of the eastern part of the car park for a proposed housing development fronting Barb Mews. The existing pedestrian route between the Tesco car park and Barb Mews would be secured in perpetuity as a publicly accessible route during the daytime and early evenings. It would be managed and maintained, and lighting and CCTV would be provided. The remainder of the car park would be re-configured under the separate planning application ref. 2024/01345/FUL.
- 6.44 The existing public realm on the north-south element of Barb Mews is poorly designed, with a shared surface providing access to both pedestrians and vehicles. There is no pavement in front of the existing buildings on the east side of the mews so all vehicle movement takes place immediately outside the windows and doors of these properties. Furthermore, there is no segregated space or refuge for pedestrians to avoid a passing vehicle.
- 6.45 The Controlled Parking Zone (CPZ) parking bays are located on the west side of the mews against the tall boundary wall of the existing Tesco supermarket car park, giving very little space around vehicles on the driver's side to enter and exit parked vehicles. Refuse bins are also stored in the parking bays. The long high boundary wall of the supermarket car park creates a stark feature in the streetscene with no active frontage on the west side of the mews.
- 6.46 The proposed redevelopment takes the opportunity to provide additional family sized housing units (including 4 affordable houses), creates an active frontage to the west side of the mews, redesigns the public highway layout, improves the public realm and secures continued public access through the well-used short cut to the supermarket from Barb Mews and Shepherds Bush Road.
- 6.47 A new terrace of 11 houses consisting of two storeys, with a further setback storey would be erected along the west side of Barb Mews following the demolition of the existing boundary wall to the car park. A part single, part two storey detached house would be erected at the northwest end of Barb Mews. Between the terrace and the detached house, a gated pedestrian route would provide continued public access between Barb Mews and the Tesco supermarket car park. The new terrace would be set back from the line of the existing car park boundary wall providing a more spacious setting for the public realm and reducing the existing sense of enclosure. The new housing would also provide an active frontage to the street on the west side of the mews, although some windows would be obscured to prevent overlooking to existing residential properties on the east side of the mews.
- 6.48 The proposed housing in brick has been designed to be compatible with the character and appearance of the surrounding development. The terrace would be characterised by projecting bays at first floor level on the front elevation, which would create articulation and rhythm in the façade. The third storey of each house in the terrace would be clad in metal and this would be significantly set back from the front and rear elevations of the main house, such that it would appear as a subservient feature and respect the height and massing of the two storey mews buildings on the east side of Barb Mews which are located directly on the back edge of the carriageway. The detached house would have a brick base at ground floor level and a metal clad sloping roof at first floor level and incorporate some sloping sides to create the appearance of a roof form.

- 6.49 The proposal would require the felling of 6 of the 10 existing trees on the site (2 category B and 4 category C) to facilitate the development. The 6 Norway Maple trees proposed to be felled are visible from the public highway on Barb Mews. Replacement trees are proposed including 10 evergreen trees which would be visible within the public realm in Barb Mews. Pleached trees would be provided within the rear gardens of most of the houses. A condition requiring details of soft landscaping (including replacement tree planting) to be submitted to the Council prior to commencement of landscaping works has been agreed, to ensure suitable species, sizes and locations of the proposed replacement trees.
- 6.50 The new street layout would deliver a pavement in front of the existing mews buildings on the east side of Barb Mews, improving pedestrian safety and providing a greater distance between the front windows of these properties and any vehicle movements. The new pavement would also include new street lighting columns and pedestrian refuges. The CPZ parking bays would be relocated to the east side of the mews improving their accessibility.
- 6.51 Overall, the proposal would deliver well designed family sized housing (including 4 affordable houses) and significant improvements to the public realm whilst maintaining public access to the existing pedestrian route from the supermarket to Barb Mews in perpetuity. The proposal would be in accordance with the statutory requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in relation to the significance of the Conservation Area and the setting of the adjacent Listed Building and would also be in accordance with Policy HC1 of the London Plan (2021), Policies DC1, DC2, DC4, DC8 and OS5 of the Local Plan (2018) and Key Principles AH2, CAG3 and CAG6 of the Planning Guidance Supplementary Planning Document (2018).

IMPACT UPON NEIGHBOURING AMENITY

- 6.52 Policy HO4 of the Local Plan (2018) specifies that all new housing must take account of the amenity of neighbours, whilst Policies DC2 and HO11 of the Local Plan (2018) specify that any proposal must be formulated to respect the principles of good neighbourliness and the principles of residential amenity. Policies CC11 and CC13 of the Local Plan (2018) state that all proposed development will be required to show that there would be no undue detriment to the amenities enjoyed by existing surrounding occupiers, and that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by occupants and/or users of existing or proposed noise sensitive uses in the vicinity.
- 6.53 It is recognised that there is existing residential usage within the immediate locality of the application site. Notably, the rear boundary of properties within Lena Gardens adjoins the northern boundary of the application site, whilst residential properties along Barb Mews are located to the east of the application site. To the west of the application site lies Osram Court (a six-storey residential development, approx. 31m away).

- 6.54 Key Principle HS6 of the Planning Guidance SPD (2018) provides guidance relating to the scale and massing of proposed new development and/or extensions. As a general rule, this Key Principle outlines that any proposed new development should not result in an infringing angle of more than 45-degrees. Whilst officers acknowledge that this guidance is typically applied to development adjoining the rear boundary of the application site, based on the nature of the proposal and the proposed relationship between the existing Barb Mews and the proposed residential dwellings, officers consider that an assessment of the 45-degree rule taken from the existing ground-floor front elevation windows of Barb Mews would be appropriate.
- 6.55 Officers highlight that the proposed dwellings would not infringe an angle of 45-degrees taken from the mid-point of the existing ground-floor windows along Barb Mews, indicating that the proposal achieves a proportionate scale and massing appropriate to its immediate context, which would mitigate against detrimental harm to the amenity of Barb Mews occupants, with regard to outlook and a sense of enclosure. Officers highlight that the applicant has sought to minimise the overall scale and massing of the proposed dwellings by ensuring the second-floor level of Units 1 - 11 are set-back from the front elevation of the dwellings.
- 6.56 With regard to the proposal's impact upon the levels of light received to Barb Mews, officers note that the majority of the proposed dwellings would sit below an angle of 25-degrees taken from the mid-point of their front elevation windows; with only the first-floor parapet marginally infringing an angle of 25-degrees. Furthermore, the submitted Daylight and Sunlight Report details that neighbouring residents would be provided with adequate levels of daylight and sunlight, taking the scale and massing of the proposal into account.
- 6.57 Furthermore, the submitted Daylight and Sunlight Report details that the majority of neighbouring residents in Barb Mews would be provided with adequate levels of daylight and sunlight, taking the scale and massing of the proposal into account. 98% of all neighbouring windows in Barb Mews would meet or exceed the recommended criteria with minor reductions (1% and 2%) to two windows serving a LKD at 2 Barb Mews. Two rooms (both LKD) at 2 and 4 Barb Mews would fall slightly short of the No Sky Line test with reductions of 27% and 28%. However, both rooms would remain lit for the majority of the floor space, and the BRE guidance recognises that results such as this may be unavoidable in rooms deeper than 5m and lit from one side, and as such the guidelines should be applied flexibly. In these cases the rooms are over 5m deep and hence, this greater movement of the NSL is unavoidable. There is no demonstrable harm in terms of sunlight to neighbouring properties.
- 6.58 On balance, officers consider that the impacts on neighbouring properties are acceptable and given the urban characteristics of the site are not grounds to withhold planning permission.
- 6.59 The design and access statement indicates that the first-floor bedrooms to the front of the proposed properties would feature oriel windows with obscured glazing to the front panes to mitigate against harmful levels of overlooking to residents within Barb Mews. Officers note that this would be secured via planning condition.

- 6.60 At second-floor level, residential units 1 - 11 would be provided with external terrace space to the front of the building, directly accessible via their second-floor bedrooms. The size of these terraces would be consistent with the guidance contained within Key Principle HS8 of the Planning Guidance SPD (2018), indicating that neighbouring properties would not be exposed to harmful levels of noise and disturbance associated with usage of the terraces. The proposed second-floor terraces would feature 1.7m high louvred privacy screens, to prevent harmful levels of overlooking whilst the terraces are in use.
- 6.61 With regard to the six-storey residential development within Osram Court, it is considered that there is a greater degree of separation between this and the application site, which is considered sufficient to mitigate against detrimental harm to the amenity of those residents.
- 6.62 With regard to the existing properties along Lena Gardens, officers note that Unit 12 would be in closest proximity to the rear boundaries of those properties. Unit 12 would consist of a two-storey building, with a roof design which angles away from this shared boundary. Accordingly, the scale and massing of Unit 12 would sit below an angle of 25-degrees taken from the mid-point of the ground-floor rear elevation windows of these properties. Officers are satisfied that this would mitigate against detrimental harm to the amenity of these residents with regard to outlook, light and a sense of enclosure.
- 6.63 In terms of the potential privacy impacts upon residents within Lena Gardens, officers note that the two-storey proposed residential unit (12) in closest proximity to the respective shared boundary would feature a flank window at first-floor level. This window would be a secondary window which serves the principle bedroom of Unit 12. A condition would be applied to ensure that the first-floor flank window was obscure-glazed and non-opening below 1.7m above finished floor level. The proposed plans also depict a first-floor terrace with screening along the flank elevation closest to Lena Gardens, to mitigate against overlooking whilst the terrace is in use. Officers are satisfied that Unit 12 would not result in a harmful level of overlooking for residents within Lena Gardens.
- 6.64 Each of the proposed residential units would include an air source heat pump (ASHP) to supply residential occupants with space heating and water. To ensure that the sound level emitted from the ASHPs do not expose surrounding occupants to harmful levels of noise and disturbance, a pre-commencement condition has been agreed to secure the external noise level being lower than the lowest existing background noise level by at least 10dBA. The assessment is to be made with all machinery operating together at maximum capacity.
- 6.65 The proposed terraces would not exceed 8sqm in footprint, as measured on the proposed plans, which is considered to limit the number of people who could occupy the terrace at any one time. The terraces are of a size which is consistent with guidance within Key Principle HS8 of the Planning Guidance SPD (2018) and therefore, officers consider that this would prevent neighbouring occupants from being exposed to harmful levels of noise and disturbance, associated with usage of the terraces.

- 6.66 Overall, for the reasons outlined above, officers consider that the proposal has been designed to respect the principles of residential amenity and good neighbourliness, consistent with Policies CC11, CC13, DC2, HO4 and HO11 of the Local Plan (2018).

HIGHWAYS/PARKING AND WASTE MANAGEMENT

+ Vehicle parking

- 6.67 The application site has a Public Transport Accessibility Level (PTAL) 6b rating, indicating excellent access to public transport. The proposed development would be car-free, with the exception of one (1) Blue badge off-street parking space provided for the detached dwelling (Unit 12). Officers note that a Legal Agreement will secure on-street car parking permit free development with regard to the twelve (12) dwellings. To ensure that the blue badge off-street parking space can be entered and exited in a forward gear, a vehicular turntable is proposed to be installed. Additionally, a safety mirror will be placed opposite the Blue Badge space to further increase visibility, whilst tactile paving will be introduced to the front of the driveway to warn drivers and pedestrians of each other's presence. Officers raise no objection to this arrangement in principle, and recommend that a condition requiring further details of the proposed vehicular turntable, safety mirror and tactile surfacing is secured.
- 6.68 Officers highlight that the proposal also includes alterations to be made to Barb Mews, which will enable refuse/recycling and fire vehicles to traverse along Barb Mews, something which is not possible in the existing situation. To enable this, the existing parking spaces along the western side of Barb Mews would be relocated to the eastern side of Barb Mews, resulting in the loss of three (3) parking spaces. These works will be secured through a Section 106 obligation to enter into a S38/278 Highways Works agreement. Whilst officers acknowledge that this could place additional stress on the retained parking spaces, the benefits of Barb Mews becoming accessible for both refuse/recycling and fire vehicles is considered to outweigh the loss of the three parking spaces. Furthermore, a financial contribution of £15,000 is secured within the Legal Agreement towards the review of the surrounding Controlled Parking Zone (CPZ), in order to carry out any necessary amendments to parking and waiting restrictions.

+ Cycle parking

- 6.69 It is proposed that 2 long stay cycle parking spaces will be provided per house in secure and covered stores and 2 short stay cycle spaces will be provided in the form of a Sheffield stands located on the south end of the site. This is in accordance with the London Plan (2021) standards. Full details, including manufacturer specifications, will be secured by a pre-occupation condition.

+ Construction logistics

- 6.70 The applicant has submitted an outline construction logistics plan as part of this planning application, which has been reviewed by the Council's Highways team and is considered to be generally acceptable. Following this, it is requested that a full Detailed Construction Logistics Plan (and associated monitoring) be secured by condition (and associated monitoring fees be secured by s106 agreement). This will include a requirement for all vehicles and driver management practices to comply with the Fleet Operation Recognition Scheme (FORS Silver accreditation) and Construction Logistics and Community Safety (CLOCS).

+ Refuse, Delivery and Servicing plan

- 6.71 At present the residents of Barb Mews leave their refuse either in sacks or bins on the highway, additionally refuse vehicles are unable to enter the Mews. The realignment of Barb Mews and the provision of a new footway adjacent to their properties will provide an improved situation to the current bin storage issue.
- 6.72 The proposed alternations to Barb Mews will also allow refuse vehicles to traverse the Mews and collect bins in a conventional manner, approximately 3 on-street parking spaces will be lost on Barb Mews to enable a refuse/fire vehicle to travel along in the correct direction. It is considered that the benefits of the improved refuse collection/emergency vehicle access arrangement outweighs the small loss in on-street parking.
- 6.73 The residents of the new 12-unit development will have dedicated bin stores accommodating all waste streams located at the front curtilage of each property. Refuse collection will be undertaken by LBHF refuse team via the western side of Barb Mews. Following the redesign of the shared surface along Barb Mews and the small reduction in parking, deliveries for the new development as well as refuse collection and fire tender access will be able to take place on-street on Barb Mews, which is not currently possible for the existing development.
- 6.74 The Council's Waste Management team have reviewed the submitted Refuse and Recycling Management Plan and have raised no objection. Furthermore, the Council's Highways team have confirmed that they would have no objection to the proposed redesign of Barb Mews, which would be considered a significant improvement on the existing situation. Accordingly, officers are satisfied that sufficient provision of refuse and recycling would be provided for future occupants of the proposal, in accordance with Policy CC7 of the Local Plan (2018).
- 6.75 A detailed delivery and servicing plan for the site is to be secured via a pre-occupation planning condition.

+ Travel Plan

- 6.76 A framework Travel Plan Statement was submitted with the planning application. The Travel Plan Statement has been produced in accordance with Transport for London's best practice guidance and sets out the travel plan measures proposed for the developments. The submission of a full Detailed Travel Plan is secured by planning condition.

+ Active Travel Zone Audit

- 6.77 An Active Travel Zone (ATZ) survey has been carried out to support the planning application and to comply with the Healthy Streets objectives set out by Transport for London guidance on Transport Assessments. The ATZ Survey Report was prepared taking into account the 10 Healthy Streets Indicators.
- 6.78 As part of the enhancements to the highways works on Barb Mews, improvement is required to the area of Shepherds Bush Road in the vicinity of Tesco superstore entrance to improve pedestrian connectivity to the footpath on the green and cycle docking station fronting the green. These are included in the highways works obligation set out later in the report.

ENERGY AND SUSTAINABILITY

- 6.79 An Energy and Sustainable Design Statement (dated May 2024) prepared by BWB Consulting has been submitted as part of this application. With regard to carbon reduction, the scheme is calculated to achieve an overall CO2 reduction of 69%, which achieves the 35% target specified by the London Plan (2021). The separate 10% target for energy efficiency has also been met, with CO2 reductions of 25% shown to be achieved through energy efficiency measures alone.
- 6.80 The scheme has been checked for potential connection to an existing heat network but there is not one available at present to connect to, however it will be designed to be capable of connection into any future network that develops in this part of the borough. An Overheating Assessment has been undertaken and this shows that all habitable rooms comply with the overheating criteria.
- 6.81 The Council's Environmental Policy team have highlighted that there are remaining carbon emissions that would need to be offset via a carbon offset payment of £27,480, which should be secured as part of the Section 106 Agreement. Likewise, the commitment to monitor energy use in the development and report to the GLA 'Be Seen Portal'.
- 6.82 The Consultee has confirmed that overall, the performance of the development in terms of carbon reduction meets the required targets.
- 6.83 The submitted Whole Lifecycle Carbon Assessment has been carried out in line with GLA guidance and has followed their assessment template. The calculated embodied carbon intensity for the scheme is 710 kgCO2e/m2 which is within the benchmark target for major residential schemes of no more than 850 kgCO2e/m2 set by the GLA.

TREES, ECOLOGY AND BIODIVERSITY NET GAIN

- 6.84 Policy OS5 of the Local Plan (2018) outlines that the council will seek to enhance biodiversity and green infrastructure in the borough by maximising the provision of gardens, soft-landscaping, green or brown roofs and other planting as part of new development, seeking the retention of existing trees and the provision of new trees on development sites, and seeking to prevent the removal or mutilation of protected trees, amongst other measures.

- 6.85 Policy G7 of the London Plan (2021) outlines that development proposals should ensure that, wherever possible, existing trees of value are retained. In instances where planning permission is granted that requires the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed.
- 6.86 Policy G5 of the London Plan (2021) specifies 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 bases sustainable drainage. Officers highlight that the London Mayor recommends an urban green factor (UGF) target score of 0.4 for developments which are predominantly residential (as is the case with this proposal).
- 6.87 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024. BNG requires developers to deliver a BNG of 10%. The Council's Ecology team have reviewed the applicant's submitted BNG metric and report, and have highlighted that the application would not achieve the mandatory 10% BNG requirement, despite noting that the applicant has tried to maximise the provision of BNG on-site. The submitted documentation outlines that the proposal will meet the required 10% BNG uplift via off-site Biodiversity Units.
- 6.88 There are ten (10) existing trees within the application site of the subject application (ref. 2024/01344/FUL), two Sycamore Trees and eight Maple Trees. The submitted Arboricultural Impact Assessment (AIA, dated May 2024) specifies that the Maple trees are in their semi to early mature life stages. Table 5.1 of the AIA specifies that to facilitate the construction of the twelve residential dwellings proposed as part of application ref. 2024/01344/FUL, a total of six (6) trees would require removal, due to them being in direct conflict with the proposed dwellings. The remaining trees identified are proposed for retention.
- 6.89 The AIA recognises the need to mitigate the proposed tree removals identified, and accordingly, replacement planting is depicted within the accompanying Landscape plan. The Council's Tree Officer has reviewed the proposal, and whilst they have acknowledged that the proposal would result in the felling of 6 existing mature trees, their comments confirm that satisfactory replacement planting is outlined within the landscaping plan, and subject to conditions securing the implementation of the replacement planting, there would be no objection with regard to Policy OS5 of the Local Plan (2018).

AIR QUALITY

- 6.90 Policy SI 1 of the London Plan (2021) specifies that to tackle poor air quality, protect health and meet legal obligations, development proposals should not lead to a further deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

- 6.91 Policy CC10 of the Local Plan (2018) specifies that the Council will seek to reduce the potential adverse air quality impacts of new development by requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality, amongst other measures.
- 6.92 A borough-wide Air Quality Management Area (AQMA) is in effect within the borough of Hammersmith and Fulham. The application site is located within an area of existing poor air quality due to road traffic emissions from Shepherd's Bush Road (A219) and the Tesco customer car park and would introduce a sensitive use in the form of residential accommodation.
- 6.93 Accordingly, to ensure adequate levels of air quality for both future occupants of the proposed residential units and existing residents of surrounding buildings, the Council's Environmental Quality (Air Quality) team have requested a number of pre-commencement and pre-occupation conditions.
- 6.94 Accordingly, no objections are raised with regards to air quality matters.

FLOOD RISK

- 6.95 Policy CC3 of the Local Plan (2018) specifies that a site-specific flood risk assessment (FRA) will be required for the following development proposals:
- All proposals within the Environment Agency's Flood Risk Zones 2 and 3;
 - All proposals for new developments over 1 hectare in size within the Environment Agency's Flood Risk Zone 1;
 - All proposals for areas identified as being susceptible to surface water flooding;
 - All proposals for new development which includes a subterranean element.
- 6.96 Policy CC4 of the Local Plan (2018) specifies that all major developments must implement sustainable drainage systems (SuDs) to enable a reduction in peak run-off to greenfield run-off rates for storms up to the 1 in 100 year event (plus climate change allowance), and will be required to provide a sustainable drainage strategy that demonstrates how SuDs will be integrated to reduce peak flow volumes and rates in line with the requirements of this policy.
- 6.97 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3 and would introduce a sensitive use (residential accommodation) at ground-level. Accordingly, a Flood Risk Assessment and Sustainable Drainage Strategy (dated 1st May 2024) and an addendum letter (dated 28th October 2024) was submitted as part of the application. Following review of these documentation, the Council's Environmental Policy (Flood Risk) team have confirmed that the discharge rate information and small-scale rainwater harvesting measures (the use of water-butts within the rear gardens of the proposed residential units) provided is acceptable.
- 6.98 Subject to complying with the relevant condition, no objections are raised with regards to SuDs and flooding matters.

LAND CONTAMINATION

- 6.99 Policy CC9 of the Local Plan (2018) specifies that when development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination.
- 6.100 The applicant has submitted a Phase 1 Geo-Environmental Assessment (dated January 2024) and a Phase 2 Geo-Environmental Assessment (dated May 2024), both prepared by BWB Consulting, as part of this application. These documents have been reviewed by the Council's Land Contamination team, who note that insufficient detail is included. Therefore, a number of land contamination conditions, including pre-commencement conditions relating to a preliminary risk assessment and a site investigation scheme, have been recommended. The applicant has agreed to these conditions in writing, and subject to these, no further objections are raised with regards to contaminated land matters.

FIRE SAFETY

- 6.101 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'. As outlined by Part B of this policy, all major development proposals should be submitted with a fire statement, produced by a third party, suitably qualified assessor.
- 6.102 The statement should detail how the development proposal will function in terms of:
- 1) The building's construction: methods, products and materials used, including manufacturers' details
 - 2) The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
 - 3) Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
 - 4) Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
 - 5) How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
 - 6) Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

6.103 The applicant has submitted a Fire Statement (dated 17th May 2024) prepared by Orion Fire Engineering. The Fire Statement has been prepared by third party, suitably qualified assessors and details how the proposal would meet the criteria set out within Part B of Policy D12. The London Fire Brigade have reviewed the proposal and the submitted Fire Statement. Following this, their written comments confirm that they have no further observations to make. Additionally, HSE have confirmed in writing that the planning application does not appear to fall under the remit of Planning Gateway One because the height condition of a relevant building is not met.

6.104 Officers consider that sufficient information has been submitted to demonstrate how the proposal would address the specific fire criteria set out within Policy D12, Part B of the London Plan (2021). As specified within Paragraph 3.12.2 of the London Plan, the matter of fire safety compliance is covered by Part B of the Building Regulations.

7.0 PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

7.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of £102,800 (plus indexation).

7.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. This development is liable for an estimated local CIL of £287,000 (plus indexation) with relief granted for the affordable units.

+ S106

7.3 The NPPF (2024) 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'.

7.4 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."

7.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

- 7.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 7.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

HEADS OF TERMS

- 7.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) Secure and maintain public access via pedestrian alleyway from Barb Mews (including the maintenance and management of the pedestrian alley way)
 - 2) Linking the current application ref. 2024/01344/FUL to the separate planning application ref. 2024/01345/FUL, to ensure that the Tesco car park re-configuration works take place to facilitate the proposed residential development.
 - 3) Secure the provision of 4 affordable homes comprising: 70% low cost rented (3 units), and 30% (1 unit) Intermediate.
 - 4) The development will require a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prohibit any occupier of the 12 residential units (with the exception of blue badge holders) to obtain an on-street car parking permit.
 - 5) The development will require a legal agreement under Section 278/38 in relation to the proposed works to Barb Mews.
 - 6) Air Quality - £5,000 per annum for the construction phases of the development will be required for the Council's compliance monitoring of the Air Quality Dust Management Plan (secured by condition) and to maintain the Council's Construction Site Monitoring Register Website.
 - 7) Construction Logistics Plan (CLP) - contribution of £5,000 per year until completion of construction towards monitoring of the CLP (secured by condition).
 - 8) A financial contribution of £15,000 towards the review of the hours of the surrounding Controlled Parking Zones (CPZ).

9) A financial contribution of £19,000 towards economic development including support of employment, skills and local procurement.

10) A financial contribution of £157,500 towards community safety and public realm improvements.

11) A contribution of £27,480 towards carbon off-setting

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

8.0 CONCLUSION

8.1 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.

8.2 In summary, the proposed development would result in the net-gain of twelve (12) high-quality, family sized residential units, contributing towards the borough's housing supply targets and contributing towards the provision of 35% affordable housing (as measured by habitable rooms) set out by the 2021 London Plan's Fast Track Route. Furthermore, the scale, massing, design and material finishes would ensure a high standard of design which would preserve the character and appearance of the surrounding area and designated heritage assets, whilst mitigating against detrimental harm to the amenity of surrounding occupants.

8.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted in line with the recommendations above.

9.0 RECOMMENDATION

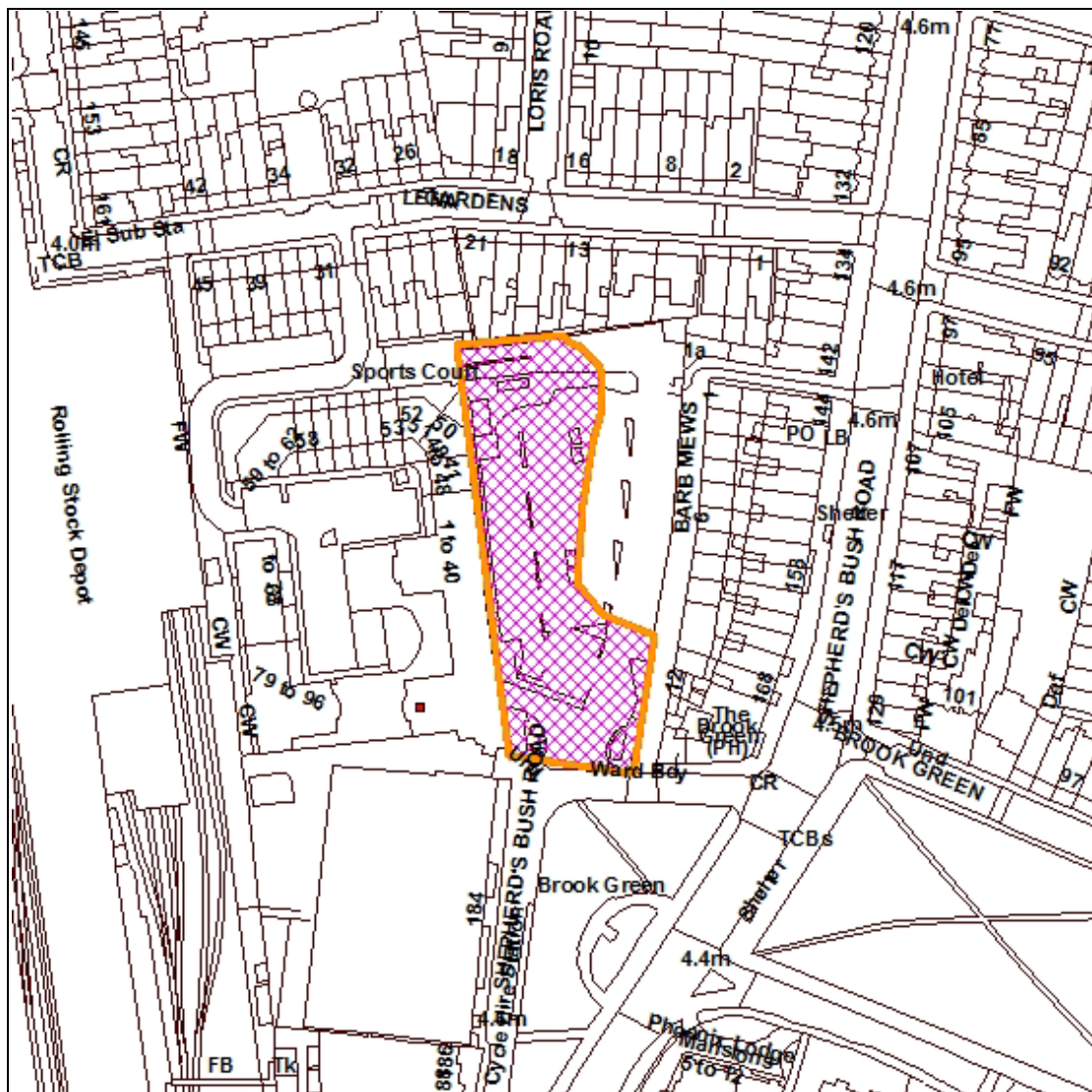
9.1 Grant permission, subject to conditions and a Legal Agreement.

Agenda Item 5

Ward: Addison

Site Address:

Tesco Car Park Brook Green 180 Shepherd's Bush Road And Opposite 1 - 12 Barb Mews And Brook Green Pub London W6



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For identification purposes only - do not scale.

Reg. No:

2024/01345/FUL

Case Officer:

Elliot Brown

Date Valid:

22.07.2024

Conservation Area:

Constraint Name: Brook Green Conservation Area

- Number 3 Constraint Name: Melrose

Conservation Area - Number 26

Committee Date:

16.09.2025

Applicant:

Site Acquisitions Ltd And Tesco Stores Ltd
C/O Agent hgh Consulting 45 Welbeck Street London
W1G 8DZ
England

Description:

Reconfiguration of existing store car parking area at ground level to include the creation of new car parking spaces, cycle parking and bicycle racks, formation of pedestrian crossing and associated landscaping.

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

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

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

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

PA100 REV B; PA.101 REV B; 2373-EXA-00-GF-DR-L-00201 REV P01;
Arboricultural Impact Assessment (Ref. P112jrMay24FV02_AIA, Issue V2, dated May 2024) prepared by Arborclimb Consultants; Transport Statement (dated May 2024) prepared by YES Engineering Group Limited.

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

Reason: To ensure a satisfactory external appearance, and reduce the air quality impacts of the demolition and construction phases of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 4) Prior to commencement of any landscaping works, detailed drawings (at a scale of not less than 1:20) shall be submitted to and approved in writing by the Council, of the hard and soft landscaping of all areas external to the residential buildings and Barb Mews, including replacement tree planting and paving. The development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory external appearance and biodiversity in accordance with Policies DC2, DC8 and OS4 of the Local Plan (2018) and Policy G5 of the London Plan (2021).

- 5) Prior to commencement of the development hereby approved, a car parking management plan (CPMP) shall be submitted to, and approved in writing by, the Council. The details shall include the management of spaces, including the provision of blue badge parking spaces in accordance with Policies T6, T6.3 and T6.5 of the London Plan (2021). The development shall proceed in accordance with the details as approved and shall thereafter be maintained.

Reason: To ensure no unacceptable adverse effect on the amenities of surrounding occupiers and highways, in accordance with Policies T6, T6.3 and T6.5 of the London Plan (2021) and Policies T1, T5 and T6 of the Local Plan (2018).

- 6) Prior to first use of the re-configured Tesco store car park hereby approved, full details of the cycle storage provision (including design, materials and location) shall be submitted to, and approved in writing by, the Council. The cycle storage shall thereafter be retained for the lifetime of the development.

Reason: To ensure satisfactory standards of cycle parking, in accordance with Policy T5 of the London Plan (2021).

Justification for Approving the Application:

- 1) The proposal would result in the reduction of car parking spaces at ground-floor/surface level, but would not have an adverse effect on the operation of the store or parking on local roads. The proposal would mitigate against detrimental harm with regard to visual amenity, neighbouring amenity and environmental matters. The proposal would be consistent with Policies G5, G7, T5, T6, T6.3 and T6.5 of the London Plan (2021) and Policies HO4, HO11 and OS5 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 4th June 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:
Crime Prevention Design Advisor - Hammersmith

Dated:
14.08.24

Neighbour Comments:

Letters from:

Dated:

32 Osram Court 182 Shepherd's Bush Rd London W6 7PF

09.08.24

COMMITTEE REPORT

1.0 SITE DESCRIPTION

- 1.1 This planning application seeks the re-configuration of the western part of the existing surface car park of the Tesco store at Brook Green. The application ref. 2024/01345/FUL has been submitted in conjunction with the separate planning application ref. 2024/01344/FUL; which seeks to construct twelve (12) residential units within the eastern part of the surface car park of the Tesco store at Brook Green (adjacent to Barb Mews).

- 1.2 The site is located within the Brook Green Conservation Area and is adjacent to the Melrose Conservation Area. The site is situated within the setting of the Grade II listed 184 Shepherds Bush Road and within the setting of the retained corner tower of the former Osram factory, now part of Osram Court, 182 Shepherds Bush Road and the Brook Green Hotel, 170 Shepherds Bush Road, both of which are on the Council's Local Register of Buildings of Merit.
- 1.3 The application site has a Public Transport Accessibility Level (PTAL) 6b rating, indicating excellent public transport accessibility.
- 1.4 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3.

2.0 PLANNING HISTORY

- 2.1 There are a number of planning records related to the application site, with a proportion of this site history relating to advertisement consent applications. Officers consider that the following planning history is of most relevance to the current planning application:

1995/02116/FUL - Formation of a new pedestrian entrance from Barb Mews into Tesco car park. Granted.

2000/03197/FUL - Continued use of the premises as a supermarket (including variation of condition 18 of planning permission RN:1993/ 0584/P to extend permitted trading hours). Granted.

2024/01344/FUL - Redevelopment of part of surface car park comprising the erection of a part two, part three storey building to provide 11 single family dwellinghouses (Class C3) and erection of part one, part two storey building to provide 1 single family dwellinghouse (Class C3); associated landscaping, boundary treatments, the creation of a footpath fronting Barb Mews, formation of cycle parking, refuse and recycling storage and one off street car parking space. Currently under consideration.

3.0 PROPOSAL

- 3.1 The current planning application seeks planning consent for the re-configuration of the western part of the existing surface car park of the Tesco store, including:
 - The reduction in car parking spaces at ground-floor level from 106 spaces to 51 car parking spaces and 2 click and collect parking spaces;
 - The provision of 5 new Sheffield cycle parking spaces;
 - Associated soft landscaping.
- 3.2 The basement level of the Tesco store car park is to remain as existing, with the current 98 basement level car parking spaces being retained.

4.0 CONSULTATIONS

- 4.1 The application was publicised by means of a press notice and site notice as well as individual letters sent to neighbouring occupants (373 letters sent). In response to the consultation one (1) objection was received. This can be summarised as follows:

- We object to the proposal to construct 12 houses within Tesco's car park, which would have a harmful impact upon neighbouring amenity (particularly with regard to outlook).

- 4.2 Officer response: The representation appears to be related primarily to the associated planning application ref. 2024/01344/FUL. Officers confirm that the material planning considerations raised by both applications will be assessed within their respective reports.

External consultee responses:

- 4.3 Metropolitan Police (Design Out Crime) - No comments/objections.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (December 2024)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

London Plan

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

Local Plan

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

6.0 PLANNING CONSIDERATIONS

- 6.1 Officers consider that the proposal would raise the following material planning considerations:

- Land use;
- Design and heritage matters;
- Impact upon neighbouring amenity;
- Highways/parking;
- Trees, Ecology and Biodiversity Net Gain.

LAND USE

- 6.2 There would be no change to the existing land use as a Tesco Store (Class E). The subject development proposal seeks to re-configure the retained portion of the existing surface car park following the reduction in the levels of car parking provided in association with the construction of twelve (12) dwellings within the eastern part of the car park (see planning application ref. 2024/01344/FUL). This application is currently under consideration.

DESIGN AND HERITAGE MATTERS

- 6.3 Section 12 of the NPPF (2024) outlines that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. Section 16 of the NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

- 6.4 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 specifies that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] 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'. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.5 London Plan (2021) Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 6.6 Policies DC1 and DC2 of the Local Plan (2018) outline the importance of delivering high quality development that improves the quality of the built environment. Amongst other things they require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of bulk, scale, materials, and design.
- 6.7 Policy DC8 of the Local Plan (2018) states that the council will aim to protect, restore and/or enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance Supplementary Planning Document (SPD, 2018) Key Principles AH2, CAG3 and CAG6.
- 6.8 The application site is currently occupied by the surface car park of the Tesco supermarket at Brook Green (adjacent to Barb Mews). The site was formerly part of the Osram Factory, which was redeveloped for a supermarket with housing above, incorporating the corner tower of the former factory which is on the Council's Local Register of Buildings of Merit. The site is located adjacent to the Grade II listed building at 184 Shepherds Bush Road, now in use as offices but which was originally built as a car showroom and garage for the Ford Motor Company. To the east is the Brook Green Hotel, 170 Shepherds Bush Road which is a Victorian public house on the Council's Local Register of Buildings of Merit.

- 6.9 The proposal would reorganise the layout of the existing surface car park to facilitate the disposal of the eastern part of the car park for a proposed housing development fronting Barb Mews, to which a separate application (2024/01344/FUL) relates. The car park does not form part of the special architectural or historic interest of the Conservation Area and the proposals would not harm its significance. The setting of the adjacent Listed Building and locally listed Buildings of Merit would not be harmed.
- 6.10 The re-configuration of the car park would result in a reduction to the number of car parking spaces at ground floor level, with new features relating to the installation of a Sheffield stand for cycle parking provision. The proposal would result in the loss of four Norway Maple trees in the central and northern parts of the application site, of which three are in fair to good condition (1 category B, 2 category C and one category U). These trees are visible from the public highway and their loss would need to be mitigated through a scheme of onsite replacement tree planting to provide an appropriate level of replacement amenity value. The proposal includes two replacement trees, and a condition has been attached requiring further details of the replacement trees (including species, size and location) to be submitted prior to commencement of the works.

IMPACT UPON NEIGHBOURING AMENITY

- 6.11 Policy HO11 of the Local Plan (2018) specifies that any proposal must be formulated to respect the principles of good neighbourliness.
- 6.12 The submitted Transport Statement confirms that all existing deliveries, servicing and waste collection for the Tesco superstore take place within the western part of the surface car park, and that the delivery, servicing and waste collection would remain unchanged as a result of the proposal. Accordingly, the proposal is not considered to harmfully exacerbate the established levels of noise associated with delivery, servicing and waste collection to the Tesco superstore. As part of the separate planning application ref. 2024/01344/FUL, a new boundary wall would be erected between the Tesco surface car park and the new residential units, which would ensure that the amenity levels of future occupants of the new residential units were acceptable. Officers therefore consider that the car park re-configuration application would mitigate against detrimental harm to the amenity of surrounding occupants, with regard to outlook, light, privacy or noise.

HIGHWAYS/PARKING

+ Vehicle Parking

- 6.13 The car park currently contains a total of 204 parking spaces split over 2 levels, with 106 spaces at surface level and 98 at basement level. Under the new proposals the number of surface parking spaces will reduce to 51 spaces. The 98 spaces in the basement will remain unchanged. This leaves a total of 149 spaces.

- 6.14 To understand the parking demands of the Tesco store, a Parking Accumulation Survey was undertaken during Tesco's busiest weekend of the year (Saturday 16th and Sunday 17th December 2023), to determine the existing level of occupancy of the car park. The Parking Accumulation Survey is contained within Appendix D of the submitted Transport Statement, and this outlines that the maximum number of cars recorded at the car park was 126 (on Saturday 16th December 2023 at 12 noon), which would have left a total of 78 car parking spaces available.
- 6.15 Subsequently, the Parking Accumulation Survey confirms that there would be sufficient space retained within the car park to enable Tesco customers to park without having to rely upon on-street parking in the surrounding area. Officers therefore consider that the loss of 55 car parking spaces could be accommodated without adversely impacting the operation of the Tesco store or on local roads.
- 6.16 A total of 5 blue badge parking bays will be provided at surface level and these spaces are located in an accessible location directly adjacent to the existing entrance to the Tesco Superstore. Officers note that Policy T6.5 (Non-residential disabled persons parking), Table 10.6 of the London Plan (2021) specifies that for retail, recreation, hotels and leisure uses, a total of 10% of the parking bays should be provided (6% designated bays and 4% enlarged bays). Accordingly, officers consider that a condition should be in place to secure a Parking Management Plan, to include periodic monitoring of blue badge parking demand at the application site, as well as a mechanism for converting further parking bays to blue badge parking bays if this need is evidenced. The applicant has agreed in writing to this condition.

+ Cycle parking

- 6.17 There is no existing provision of short-stay cycle storage at ground-level within the Tesco car park. As part of the current application, new cycle stands are proposed to accommodate short-stay cycle parking for five (5) bicycles. Officers consider this to be an improvement in comparison to the existing situation, which would help to encourage sustainable travel options. Full details, including manufacturer specifications, will be secured by condition.

+ Deliveries and Servicing

- 6.18 The submitted Transport Statement confirms that all existing deliveries, servicing and waste collection for the Tesco superstore take place within the western part of the surface car park, and that the delivery, servicing and waste collection would remain unchanged as a result of the proposal.

TREES, ECOLOGY AND BIODIVERSITY NET GAIN

- 6.19 Policy OS5 of the Local Plan (2018) outlines that the council will seek to enhance biodiversity and green infrastructure in the borough by maximising the provision of gardens, soft-landscaping, green or brown roofs and other planting as part of new development, seeking the retention of existing trees and the provision of new trees on development sites, and seeking to prevent the removal or mutilation of protected trees, amongst other measures.

- 6.20 Policy G7 of the London Plan (2021) outlines that development proposals should ensure that, wherever possible, existing trees of value are retained. In instances where planning permission is granted that requires the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed.
- 6.21 Policy G5 of the London Plan (2021) specifies 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 bases sustainable drainage. Officers highlight that the London Mayor recommends an urban green factor (UGF) target score of 0.3 for developments which are predominantly commercial (as is the case with this proposal).
- 6.22 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024. BNG requires developers to deliver a BNG of 10%. The Council's Ecology team have reviewed the applicant's submitted BNG metric and report, and have highlighted that the application would not achieve the mandatory 10% BNG requirement, despite noting that the applicant has sought to maximise the provision of BNG on-site. The submitted documentation outlines that the proposal will meet the required 10% BNG uplift via off-site Biodiversity Units.
- 6.23 There are eight (8) existing Maple trees within the application site of the subject application (ref. 2024/01345/FUL), and accordingly, the proposed re-configuration of the car park has the potential to impact upon these trees. The submitted Arboricultural Impact Assessment (AIA, dated May 2024) specifies that the Maple trees are in their semi to early mature life stages. Table 5.1 of the AIA specifies that the removal of four (4) trees would be considered necessary to facilitate the development. The remaining trees identified are proposed for retention.
- 6.24 The AIA recognises the need to mitigate the proposed tree removals identified, and accordingly, replacement planting is depicted within the accompanying Landscape plan. The Council's Tree Officer has reviewed the proposal, and whilst they have acknowledged that the proposal would result in the felling of four existing mature trees, their comments confirm that satisfactory replacement planting is outlined within the landscaping plan, and subject to conditions securing the implementation of the replacement planting, there would be no objection with regard to Policy OS5 of the Local Plan (2018).

7.0 PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. The reconfiguration of the car park would not be liable to a London wide community infrastructure levy. The concurrent application for new housing would be liable and that is detailed in the relevant report.

- 7.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. This reconfiguration of the car park would not be liable for local CIL. The concurrent planning application would be liable and is detailed in the relevant report.

+ S106 Heads of Terms

- 7.3 The NPPF (2024) 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'.
- 7.4 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."
- 7.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 7.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 7.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

7.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):

1) Linking the current application ref. 2024/01345/FUL to the separate planning application ref. 2024/01344/FUL, to ensure that the Tesco car park re-configuration works take place to facilitate the residential development proposed under ref. 2024/01344/FUL.

2) Secure and maintain public access via pedestrian alleyway from Barb Mews (including the maintenance and management of the pedestrian alley way)

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

8.0 CONCLUSION

8.1 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.

8.2 In summary, the proposed development would result in the re-configuration of the existing Tesco car park, resulting in the reduction of 55 car parking spaces at ground-level. The submitted Parking Accumulation Survey confirms that there would be sufficient space retained within the car park to enable Tesco customers to park without having to rely upon on-street parking in the surrounding area. Officers therefore consider that the loss of 55 car parking spaces could be accommodated without adversely impacting the operation of the Tesco store or on local roads. Furthermore, the proposal would be considered to mitigate against detrimental harm with regard to design, neighbouring amenity and trees.

8.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted in line with the recommendations above.

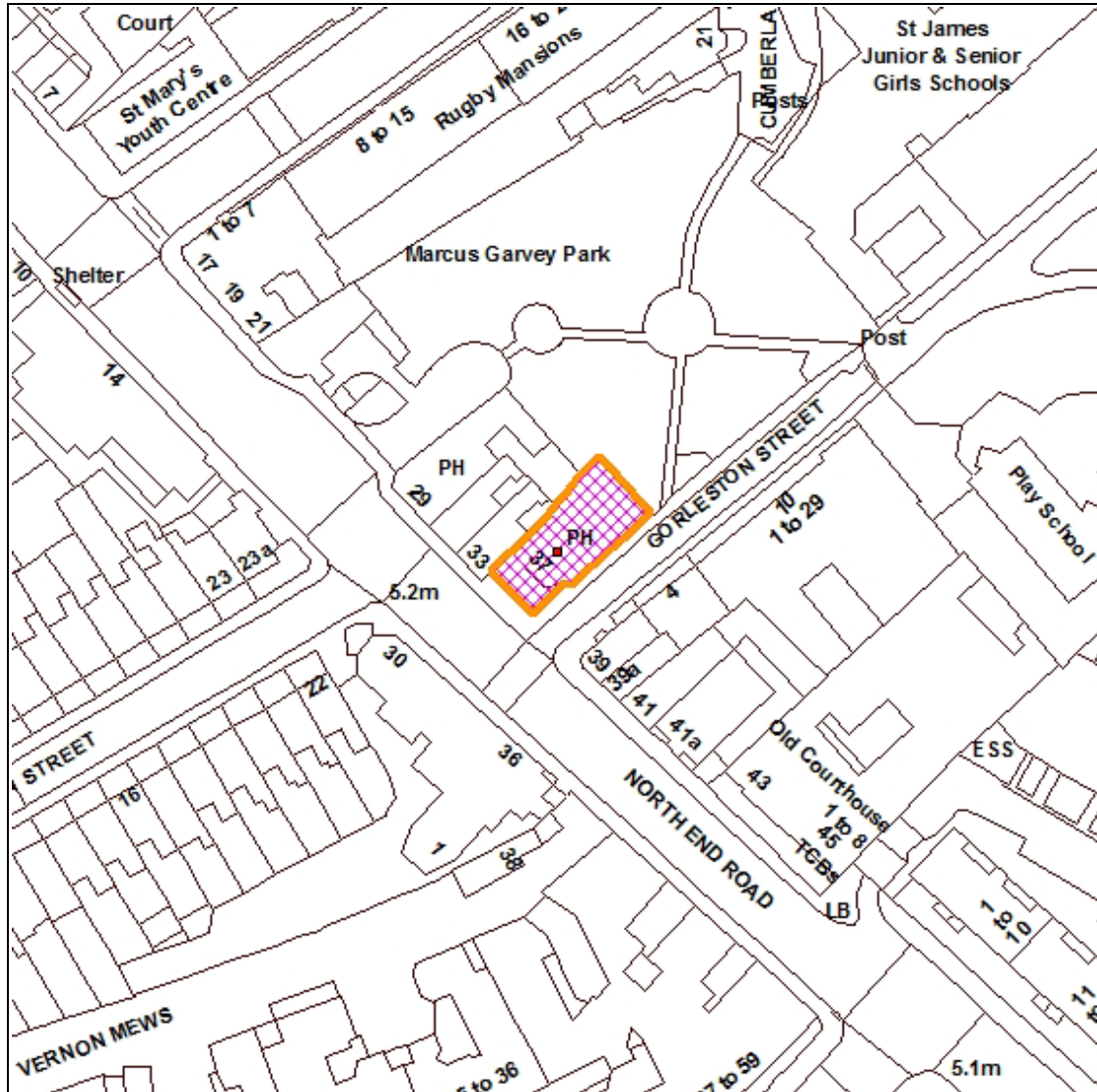
9.0 RECOMMENDATION

9.1 Grant permission, subject to conditions and a Legal Agreement.

Ward: Avonmore

Site Address:

Live And Let Live 37 North End Road London W14 8SZ



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For identification purposes only - do not scale.

Reg. No:

2023/02712/FUL

Case Officer:

Sian Brown

Date Valid:

07.11.2023

Conservation Area:

Constraint Name: Olympia And Avonmore
Conservation Area - Number 23

Committee Date:

16.09.2025

Applicant:

Domus Projects Ltd
C/O Agent

Description:

Redevelopment of the site comprising the erection of a replacement part two, part four storey building, including further excavation and enlargement of the existing basement to include 2no. new lightwells fronting Gorleston Street elevation, comprising 9no. self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage. (Revised plans)
Drg Nos: Refer to condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

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

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

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

+ Proposed floor plans

8022_(20)_001_PP Rev E

8022_(20)_002_PP Rev E

8022_(20)_003_PP Rev E

+ Proposed elevations and sections

8022_(30)_001_PP Rev D
8022_(30)_002_PP Rev D
8022_(30)_003_PP Rev D
8022_(30)_004_PP Rev D
8022_(40)_001_PP Rev D
8022_(40)_002_PP Rev D
8022_(40)_003_PP Rev C

+ Other plans

8022_(50)_002_PP Rev D
8022_(50)_001_PP Rev E

+Approved Documents:

- o Flood Risk Assessment and SuDS statement, revision 3, dated 04.10.2023.
- o Energy Statement, Issue 2, dated 8th February 2025, prepared by Ingene.
- o Sustainability Statement, Issue 2, dated 6th February 2025, prepared by Ingene.
- o Arboricultural Impact Assessment & Method Statement, dated 12th December 2024.
- o Accessibility Statement Revision C, prepared by Teo Architects, received 5th September 2025
- o Phase 3 Site Investigation and Quantitative Risk Assessment Report for 35-37 North End Road, Hammersmith, W14 8SZ prepared for Domus Projects Ltd by Yes Engineering Group Ltd dated August 2022

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

- 3) Prior to commencement of the development hereby permitted, details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, balustrades, cladding, windows and doors, shall be 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 of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby permitted, a sample of the proposed facing brickwork, and a sample panel of the ground floor level ceramic tiles, shall be erected on site, inspected by Officers 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 of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018)

- 5) Prior to commencement of the development hereby permitted, details in plan, section and elevation (at a scale of not less than 1:20) of the following matters shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay of the North End Road, and Gorleston Street elevations; and
- b) boundary treatment

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby permitted, detailed drawings in plan, elevation and section at a scale of no less than 1:20, of the rooftop plant and enclosures, and rooftop PV panels shall be submitted to and approved in writing by the council. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 7) The development hereby approved shall be implemented only in accordance Arboricultural Impact Assessment & Method Statement, dated 12th December 2024. These measures should apply to any tree adjacent to the site whose theoretical Root Protection Areas extend into the site.

To ensure that trees around the site are retained and protected during the building works, in accordance with Policies G5 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 8) Prior to commencement of the relevant part of the development hereby permitted, details of the proposed soft landscape works and green roofs and green walls, and associated maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include confirmation that all green roof planting will consist of 100% native seed mixes; together with confirmation of the provision of 50% native species associated with all other planting. The soft landscaping shall be implemented within the first planting season following first occupation and shall be permanently retained in this form. Any trees, shrubs or planting associated with 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.

To ensure a satisfactory external appearance of the development, and in the interests of urban greening and biodiversity net gain, in accordance with Policies D3, G5 and G7 of the London Plan (2021), and Policies DC1, DC2, OS1 and OS5 of the Local Plan (2018).

- 9) Prior to commencement of the development hereby permitted, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.

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

- 10) The development hereby approved shall not be occupied until 90% of dwellings have been built to building regulations standard M4 (2) 'Accessible and adaptable buildings' Building Regulations requirement, and the remaining 10% have been built to the M4(3) 'Wheelchair accessible dwellings' requirement, as indicated in the Accessibility Statement Revision C, prepared by Teo Architects, received 5th September 2025. The dwellings shall thereafter permanently retained in this manner.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy D7 of the London Plan (2021), and Policy HO6 of the Local Plan (2018).

- 11) The residential units hereby approved shall only be used as a single dwellinghouses falling within use Class C3. The residential units shall not be used as housing in multiple occupation falling within Class C4 of the of the Town & Country Planning (Use Classes) Order 1987 (as amended).

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

- 12) The floorspace at basement level hereby approved shall only be used in connection with, and ancillary to, the use of the new units at ground floor level as single dwelling units. The basement accommodation shall not be occupied as a self-contained flat(s) that is separate and distinct from the use of the remainder of the application property as a single dwelling unit.

The use of the basement level as self-contained residential units, separate from the use of the remainder of the application property as a dwelling, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies HO1, HO2, HO4, HO11, T1, T4, T6, CC11 and CC13 of the Local Plan (2018).

- 13) No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of external pipe work, or the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, DC8, CC11, CC13 and HO11 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 14) Notwithstanding the details shown on the approved elevation plans, no plumbing or rainwater pipes shall be fixed on the external elevations of the building hereby approved, rather they should be located internally as shown on the approved floor plans.

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

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the character and appearance of the building and its setting, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 16) No water tanks, water tank enclosures or other structures 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 and the setting of the conservation area, contrary to Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 17) Notwithstanding any annotations on the approved drawings, no part of any roof of the building hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roof(s) 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, and noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018), and Key Principle 8 of the Planning Guidance SPD (2018).

- 18) Prior to commencement of the development hereby permitted, 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 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.

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 D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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

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

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

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

- 21) 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 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 22) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls of the premises from any adjacent/surrounding commercial premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwelling/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

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

- 24) Prior to commencement of the development hereby permitted, a Construction Logistics Plan (CLP) in accordance with Transport for London Guidance shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points; membership of the Considerate Contractors Scheme; as well a clear description of how the site will discourage the use of private transport by personnel employed in its construction; and details of mitigation to secure no left hand turn along Hammersmith Grove together with associated temporary camera enforcement/monitoring. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, in accordance with Policy T7 of the London Plan (2021) and Policies T1, T6 and T7 of the Local Plan (2018).

- 25) No part of the development hereby approved shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved plans. Thereafter the provision for cycle storage shall be so maintained for the life of the development. Under section 153 of the Highways Act 1980 the mechanism of the doors should ensure that there is no overhang over the public highway at any time.

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

- 26) No part of the development hereby approved shall be occupied or used until the refuse and recycling facilities have been implemented in accordance with the approved plans. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development. Under section 153 of the Highways Act 1980 the mechanism of the doors should ensure that there is no overhang over the public highway at any time.

To ensure satisfactory provision for the storage of refuse and recycling on site, and to prevent any obstruction to the highway in accordance with Policies CC7 and T6 of the Local Plan (2018).

- 27) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment and SuDS statement, revision 3, dated 04.10.2023. No part of the development shall be used or occupied until all flood prevention and mitigation measures have installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding for future occupants and the development and to make the development more resilient in the event of flooding in accordance with Policy SI12 of the London Plan (2021), and Policy CC3 of the Local Plan (2018), and 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 SI13 of the London Plan (2021), and Policies CC2 and CC4 of the Local Plan (2018).

- 28) The development hereby approved shall not be occupied until the measures set out in the approved Energy Statement, Issue 2, dated 8th February 2025, prepared by Inge, have been fully implemented on site and they shall be permanently retained thereafter. This shall include the provision for future connection of the site to a district heating network should this become available (this could take the form of a pair of suitably sized and insulated pipes running from the basement to the roof, where a manifold could replace the existing heat pumps and connect all flats to the system).

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

- 29) The development hereby approved shall be implemented in accordance with the approved Sustainability Statement, Issue 2, dated 6th February 2025, prepared by Ingine, and the approved measure shall be permanently retained thereafter.

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

- 30) Prior to commencement of the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the 9 self-contained dwellinghouses (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/m-3, Particulate (PM₁₀) -15 ug/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 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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 31) 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 30 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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 32) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates, gas supply/meter site clear certificate and photographic confirmation) of the installed Zero Emission Air Source Heat Pumps (ASHP), Heat Battery Boilers, Electric boilers or alternative electrical only heating/cooling systems to be provided for space heating, hot water and cooling for the nine self-contained dwellinghouses (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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the Council's Air Quality Action Plan, and Local Plan (2018) Policies CC1 and CC10.

- 33) Prior to commencement of the development hereby permitted, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Council's AQDMP Template 'C' shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 34) Within a minimum of seven days prior to commencement of the enabling works, site clearance or demolition works within each phase of the development hereby permitted, details of the Non-Road Mobile Machinery (NRMM) to be used shall be submitted to and approved in writing by the Local Planning Authority. The NRMM shall have CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage V 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 shall be registered on the London GLA NRMM register GLA-NRMM-Register. Approved details shall be fully implemented and thereafter permanently retained and maintained until occupation of the complete development.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 35) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates, gas supply/meter site clear certificate and photographic confirmation) of the installed electric induction cooking stoves in the kitchens of the 9 self-contained dwellinghouses (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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 36) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of Uninterruptable Power Supply (UPS) in accordance with BS9999, BS 9991, and BS 7671 for fire and life safety equipment shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 37) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Waste Water Heat Recovery System (WWHRS) in all the bathrooms of the 9 self-contained dwellinghouses (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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 38) Prior to occupation of each phase of the development hereby permitted, (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Private Network Energy Microgrid (PNEM) for the 9 self-contained dwellinghouses (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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1 and Local Plan (2018) Policies CC1 and CC10.

- 39) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Battery Solar Energy Storage Systems (BSESS) for the 9 self-contained dwellinghouses (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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the Council's Air Quality Action Plan and Local Plan (2018) Policies CC1 and CC10.

- 40) The development hereby permitted shall be occupied until the approved remediation method statement (Phase 3 Site Investigation and Quantitative Risk Assessment Report for 35-37 North End Road, Hammersmith, W14 8SZ prepared for Domus Projects Ltd by Yes Engineering Group Ltd dated August 2022) 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).

- 41) The development hereby permitted shall be occupied 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).

- 42) Prior to the occupation of the development hereby permitted, a bird box shall be installed to the North East face of the building fronting Marcus Garvey Park. The bird box shall thereafter be permanently maintained.

To ensure the protection of wildlife and to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and Policies OS4 and OS5 of the Local Plan (2018)

- 43) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan.

Condition requested by Thames Water: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

- 44) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) and piling layout plan including all Thames Water clean water assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan.

Condition requested by Thames Water: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Justification for Approving the Application:

- 1) 1) Land Use: The permanent loss of the public house on the site has been justified in accordance with London Plan (2021) Policy HC7 and Local Plan (2018) Policy TLC7. The proposed development would make a positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) Policy H1 and Local Plan (2018) Policy HO1 targets per year through new build, conversion and change of use.
- 2) Quality of Accommodation: The proposed development provides a good mix of residential accommodation of which would be of an acceptable standard of living, in accordance with London Plan (2021) Policies H10, D6 and D7, the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, HO5, HO6 and HO11 and Key Principles of the Planning Guidance SPD (2018) which all require new housing to be of a high-quality design and be designed to have adequate internal and external space.

3) Design and Heritage: The development is judged to be acceptable in visual terms, and would not harm the character and appearance of the conservation area, or the settings of nearby heritage assets. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies D3 and HC1, Local Plan (2018) Policies DC1, DC2 and DC8, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4) Landscaping, Ecology and Biodiversity: Landscaping would be provided by the development, and a planning obligation will secure improvements to the adjacent park, which would be of benefit to biodiversity and the local area, in accordance with London Plan (2021) Policy G7, and Local Plan (2018) Policies OS1 and OS5.

5) Impact on Neighbouring Residents: The development would respect the principles of good neighbourliness. There would be no significant worsening of outlook, overlooking, and noise/disturbance, and no unacceptable loss of sunlight or daylight to cause undue detriment to the amenities of neighbours. A Construction Management Plan will be secured by a condition to address disturbance during the building works. The proposed development therefore accords with London Plan (2021) Policy D14, Local Plan (2018) Policies DC1, DC2, HO11, CC11 and CC13, and Key Principles of the Planning Guidance SPD (2018).

6) Safety and Access: Subject to conditions, the development would provide a safe and secure environment for all users, and ease of access for all people, including disabled people in accordance with London Plan (2021) Policies D5, D7 and D11, and Local Plan (2018) Policies DC1, DC2 and HO6.

7) Highways and Transportation: The application is supported by a Transport Statement and Outline Construction Logistics Plan which provide a comprehensive review of all the potential transport impacts of the proposed development. It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. Subject to a satisfactory legal agreement restricting the right of occupiers to hold parking permits the development would not contribute to on-street parking stress. The provision of cycle parking and refuse storage will be secured by conditions. External impacts of the development will also be controlled by conditions related the submission of a relevant Delivery Servicing Plan and Construction Logistics Plan, with the associated monitoring fees, as well as works to the highway secured by a legal agreement. 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 Key Principles of the Planning Guidance SPD (2018).

8) Flood Risk and SUDS: An acceptable Flood Risk Assessment and SuDS Report has been submitted and is secured by a condition, in accordance with the NPPF (2024), London Plan (2021) Policies SI 12 and S1 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

9) Energy and Sustainability: An Energy Statement and Sustainability Statement have been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. The details will be secured by condition. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies SI 2 and SI 4, and Local Plan (2018) Policies CC1 and CC2.

10) Air Quality: With regards to air quality considerations, subject to additional mitigation, secured by conditions and a legal agreement, the development would be acceptable and compliant with the NPPF (2024), London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

11) Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed uses. The proposed development therefore accords with the London Plan (2021), and Local Plan (2018) Policy CC9.

12) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes a financial contribution towards environmental improvements to the adjacent park, Community Safety and Public Realm Improvements, and Local Employment, Training and Skills Development Initiatives; monitoring fees associated with a Air Quality Dust Management Plan and Construction Logistics Plan; car permit free restrictions; and s278 highways works. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

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

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

Consultation Comments:

Comments from:

Environment Agency - Planning Liaison
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith

Dated:

16.04.25
17.04.25
12.05.25
09.11.23
28.11.23

Neighbour Comments:

Letters from:

The Hammersmith Society 263 Goldhawk Rd London W12 8EU 10.11.23
4 Gorleston Street London W14 8XS 08.11.23

Dated:

1.0 SITE LOCATION AND DESCRIPTION, AND RELEVANT PLANNING HISTORY

SITE DESCRIPTION

- 1.1 The application site is located on the eastern side of North End Road at the junction with Gorleston Street, a short distance to the south of the junction with Hammersmith Road. It forms the end of a short Victorian terrace, comprising three storey buildings with commercial uses on the ground floors (including another public house at No. 29) and flats above. The two adjoining properties have been extended at roof level.
- 1.2 The site previously comprised a two-storey public house with a mansard-style roof and a chamfered corner elevation. The front elevation of the pre-existing building was significantly recessed relative to the adjoining terrace, with a small forecourt area for the public house in front. There was ancillary HMO-style accommodation above for employees. The demolition of the pre-existing building is associated with the implementation of planning application ref.2018/04146/FUL approved in August 2021, which was for a part two, part four storey building, including further excavation and enlargement of the existing basement, comprising a public house at basement and part of ground floor level and 8 self-contained flats on the upper floors. This is now referred to as the "Extant Permission". At present the site is enclosed by temporary hoarding and the steel frame and basement of the associated Extant Permission is in place.
- 1.3 The site is within the Olympia and Avonmore Conservation Area. The boundary of the Fitz-George and Fitzjames Conservation Area also runs a short distance to the south. Immediately at the rear of the site is Marcus Garvey Park.
- 1.4 According to Transport for London's methodology, the site has a Public Transport Accessibility Level (PTAL) of 6a, which is considered to be excellent. The closest links are Olympia station and Barons Court station, as well as bus links to Central London from Hammersmith Road.
- 1.5 The site falls within the Environment Agency's Flood Zone 1 and is at low risk of flooding from the River Thames.

RELEVANT PLANNING HISTORY

- 1.6 2017/04897/FUL - Erection of an additional floor and a mansard roof at second and third floor level; erection of a rear extension at first floor level on top of the existing back addition, in connection with the conversion of the existing flat at first floor level into 5no. self-contained flats at first, second and third floor level; retention of the current use of the ground floor and part of the basement as a Public House; retention of the remainder of the existing basement for cycle storage, domestic refuse and recycling; and replacement of 2no. doors to the side (South) elevation at ground floor level with 2no. windows within the existing openings. Approved 06.07.2018. Not implemented.
- 1.7 2018/04146/FUL - Demolition of the existing building and the erection of a replacement part two, part four storey building including further excavation and enlargement of the existing basement to include a new lightwell fronting Gorleston Street elevation comprising a public house (Class A4) at basement and part of ground floor level, 3 x studio, 3 x 1 bedroom and 2 x 2 bedroom self-contained flats at first, second, third and part of ground floor level. Approved 26.08.2021. Works have commenced. Now referred to as the "Extant Permission".
- 1.8 2022/03211/FUL - Redevelopment of the site comprising the erection of a replacement part two, part four storey building, including further excavation and enlargement of the existing basement to include 2 new lightwells fronting Gorleston Street elevation, comprising 10 self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage.
- 1.9 The application differed from the Extant Permission (ref: 2018/04146/FUL) in the following summarised ways:
- Retention of a public house at ground and basement floor levels replaced by residential floorspace in the form of two additional maisonettes
 - 10 units proposed instead of 8, and alteration to the mix
 - Realignment of front building line on North End Road
 - Enlargement of basement under the new building footprint above
 - Increased height of the building from 17.43m to 17.66m
 - Revised design
- 1.9 The application was refused 31.07.2023 for the following summarised reasons:
- 1) Failure to make suitable provision for affordable housing (payment in lieu contribution not agreed)
 - 2) Design and Appearance: failure to integrate into the architectural design of the existing subject terrace, and harm to character and appearance of the Olympia and Avonmore Conservation Area
 - 3) Inadequate living environment: substandard levels of outlook and prospect, daylight and sunlight, privacy and amenity space; and poor security due to a lack of defensible space.
 - 4) Impact to residential amenity of neighbouring properties: loss of daylight and sunlight
 - 5) Cycle Parking: basement location fails to provide convenient and accessible cycle parking facilities
 - 6) Flood Risk: failure to demonstrate flood risk is minimised and mitigated for future occupants of the development.

7) Energy and Sustainability: failure to demonstrate compliance with energy conservation, reduction of CO2 emissions and sustainability policy requirements.

1.10 A subsequent appeal (appeal ref. APP/H5390/W/19/3235745) was dismissed on 04.09.2024 with the Inspector supporting the Council in respect to reasons 1) affordable housing (payment in lieu offering not agreed); 3) inadequate living environment (only in respect to lack of defensible space for ground floor flat and inadequate GIA to balance absence of private amenity space); 4) residential amenity; and 5) cycle parking. The Inspector did not support reason 2) design and appearance. During the course of the appeal reasons 6 (flood risk) and 7 (energy and sustainability) were conceded by the LPA following receipt of further information which addressed the concerns raised.

2.0 PROPOSAL

- 2.1 The current application seeks to erect a part two storey, part four storey building, including further excavation and enlargement of the existing basement to include 2no. new lightwells fronting Gorleston Street elevation, comprising 9no. self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage. (Revised plans)
- 2.2 The proposals follow on from planning application ref: 2018/04146/FUL (the Extant Permission), and includes the following changes:
- Public house at ground and basement floor levels replaced by residential floorspace in the form of two additional maisonettes
 - 9 units proposed instead of 8, including alteration to size and mix of units
 - Enlargement of basement to align with front building line of adjoining terrace.
 - Revised design
- 2.3 In comparison to the dismissed appeal application ref. 2022/03211/FUL, the main changes include:
- Reduction in scale of building to within envelope of the Extant Permission building
 - 9 units proposed instead of 10, including alteration to size and mix of units
 - Relocation of cycle storage to ground floor level

3.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

- 3.1 A site and press notice were published to advertise this application and notification letters were sent to the occupants of 111 surrounding properties.
- 3.2 A total of 1 representation was received raising objection. A summary of the comments is provided below:
- o Permission has previously been refused for a similar development on grounds relating to loss of sunlight/daylight.

- 3.3 1 representation has been received from The Hammersmith Society objecting to the application on the following grounds:
- o The application proposal, and the consented scheme which precedes it, proposes to restore the corner building which is missing from this traditional terrace of shops.
 - o The new building design should respond to the conservation area character profile, which notes that "... the character of the conservation area is derived from the groups of terraces and their uniform appearance and form...The architectural character of the buildings within a street is key to defining its character...'
 - o While the approved design (2018/04146/FUL) uses brick walls, delineated window openings and a mansard roof, features reminiscent of the street style, the architectural features on the current application design (2023/02712/FUL) are out of alignment with the features on the terrace it is extending. The new jigsaw piece doesn't fit.
 - o Some subtle but critical patching is essential between the new and old, introducing: (i) continuity of the strong horizontal line of the existing shopfront signboards - perhaps by string course, render or brick detail (ii) a visually strong parapet line, echoing the wide rendered band which is a dominant feature of the existing terraces, (iii) raising of the parapet, to reduce the exposure of the overbearing roof form, which is largely concealed on the adjacent buildings.
 - o All these modifications are already provided for in the consented scheme, and should be maintained in any replacement proposals.
- 3.4 During the course of the application revised drawings were received to reduce the scale and massing of the building to reflect the Extant Permission. Notification letters were resent to the occupants of surrounding properties. No representations were received.
- 3.5 The Hammersmith and Fulham Historical Society; Fulham Society; and Hammersmith and Fulham Historic Buildings Group were also consulted on the planning application and have not made any comments.

+ Technical Consultations

- 3.6 Thames Water recommend a condition requiring a Piling Method Statements; and informatives relating to water pressure and Groundwater Risk Management Permit
- 3.7 Metropolitan Police Designing Out Crime Officer (DOCO) recommends the applicant completes the SBD accreditation process to achieve a SBD certificate.
- 3.8 HSE have responded to state this planning application does not fall under the remit of planning gateway one, because it does not meet the height condition of a relevant building.
- 3.9 The London Fire and Emergency Planning Authority; Environment Agency; and Civil Aviation Authority were consulted on the planning application and have not made any comments.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (December 2024)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

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

+ Local Plan

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

5.0 PLANNING ASSESSMENT

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

- 5.1 Principle of Land Use (loss of public house; provision of residential units);
- 5.2 Housing Supply (density/housing mix/affordable Housing provision);
- 5.3 Quality of the Residential Accommodation;
- 5.4 Accessibility; Secure by Design; and Fire Safety
- 5.5 Design and Heritage
- 5.6 Residential Amenity (daylight and sunlight/outlook/privacy/noise)
- 5.7 Highways and Transportation
- 5.8 Flood Risk and SUDS
- 5.9 Energy and Sustainability
- 5.10 Air Quality
- 5.11 Land Contamination
- 5.12 Arboriculture, Ecology and Biodiversity
- 5.13 Economic Development and Skills Training

5.1 LAND USE

LOSS OF PUBLIC HOUSE

- 5.1.1 Public houses are protected by policy in both the Local Plan and the London Plan as well as within the NPPF. Whilst the pre-existing public house has been demolished the Extant Permission includes a replacement, with capacity for over 70 covers, provided within the front part of the development's ground floor and the whole of the basement level. Retention of the approved public house was then secured in perpetuity as part of the associated S106 agreement. The retention of a public house or other commercial use at ground and basement floor levels is no longer proposed, and instead the residential floorspace will be increased in the form of two additional maisonettes.
- 5.1.2 Local Plan Policy TLC7 seeks to protect public houses and permission is only granted where:
 - a. a viability report that demonstrates that the public house is no longer economically viable, including evidence of active and appropriate marketing for a continuous period of at least 12 months;
 - b. the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision;
 - c. the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance; and
 - d. the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.

- 5.1.3 The policy states that where the evidence demonstrates to the council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the council will require the building to be retained.
- 5.1.4 The protection of public houses is also emphasised in London Plan Policy HC7 whereby boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities. Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 5.1.5 Under planning application ref. 2022/03211/FUL officers did not object to the principle of the permanent loss of a public house on the site. In more detail, the pre-existing public house building was not listed and it was not considered to make a significant contribution to the local distinctiveness of the streetscape in terms of heritage and design. Indeed, the building's demolition was already accepted as part of the previously approved 2018 application (Policy T7(c) and (d)).
- 5.1.6 Separately, in accordance with point a) of Policy TLC7, marketing reports were submitted to the council which confirmed the premises had been continuously marketed for more than 12 months and in different years (2016 and 2019 respectively). Evidence at the time showed that there was interest in the property for different uses but due to some site constraints the offers received were not pursued further. In relation to the 'economic value' of the approved replacement pub, the planning application was also supported by a Viability Assessment, prepared by Davis Coffey Lyons, which assessed the likelihood of a new pub operator to invest in the approved replacement public house and run it profitably in the long term. It is concluded the small public house, due to most of its accommodation in a windowless basement, the absence of an outside trading space, together with the high level of competition in the area (measured in both 0.5 miles and 1 mile radius), most notably the development of Olympia with more than 20 bars and cafe outlets, would experience reduced trading potential and would not be an attractive prospect for potential operators.
- 5.1.7 The observations of the Viability Assessment were also reinforced by a letter prepared by a local Estate agent who concluded 'it will be very unlikely to find a buyer/ tenant for the new commercial unit, as the competition, especially with the new Olympia hub, is so significant.'
- 5.1.8 In accordance with Policy TLC7(b) it was noted the neighbouring Cumberland Arms (3 doors down) offers space for hire and also organises cultural events on site. Furthermore, the Avonmore Library and Neighbourhood Centre, located at a walking distance of just 300 metres from the site, offers space for and organises community events. Olympia, once complete will also provide a role in supporting local community interaction.

5.1.9 In view of the submitted marketing and viability evidence, the provision of alternative public houses and community facilities nearby, and together with there not having been a public house operating on the site since 2016, there was no objection to the permanent loss of a public house on this site under ref. 2022/03211/FUL. There has been no change to the policy framework since the determination of the aforementioned application which would alter the above view in respect of the current planning application.

5.2 HOUSING SUPPLY

5.2.1 London Plan Policy H1 requires an annual average of 66,000 net additional homes to be delivered with Table 4.1 setting an annual target of 1,609 net additional dwellings for Hammersmith and Fulham. Policy HO1 of the Local Plan, seeks to exceed an annual target of 1031 until 2025 and continue to seek a minimum of 1,031 net additional dwellings per year up until 2035. The current proposal would provide a net increase of 9 self-contained residential units replacing the previous staff accommodation, as well as a net increase of 1 self-contained residential unit in comparison to the Extant Permission, which would contribute to the Borough's targets in accordance with the abovementioned policies.

+ Density

5.2.2 In order to optimise the use of land London Plan Policy D3 and GG2 state development should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In considering appropriate residential densities, London Plan Policy D3 moves away from a focus on numerical density ranges towards a focus on a design-led approach, that also takes into account existing and planned infrastructure provision. Para. 3.3.21 states comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units.

5.2.3 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments. It recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity.

5.2.4 The proposed development (0.02 hectares) would result in a residential density of approximately 450 units per hectare, which is compatible with the density character of the immediate area. The proposed scheme has been designed to take account of its local context in terms of the form and character of surrounding development, impact on neighbours, as well as complying with the Council's standards on the size of residential units. In accordance with the above Policies, the proposed 9-unit scheme on this small site within an urban area would make efficient use of this land and would contribute to the overall housing need in the Borough.

+ Housing Mix

5.2.5 London Plan Policy H10, together with the Mayor's Housing SPG seek to promote housing choice and a balanced mix of unit sizes within new developments. Local Plan Policy HO5 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation (3 bed or more). The justification to Policy HO5 makes clear that 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.

5.2.6 The Extant Permission comprises the following mix:

Studio x 3 (37.5%)
1 bed x 3 (37.5%)
2 bed x 2 (25%)

5.2.7 The current proposal comprises the following mix:

Studio x 4 (45%)
1 bed x 2 (22%)
2 bed x 2 (22%)
3 bed x 1 (11%)

5.2.8 The proposal would provide an improved mix of units compared to the Extant Permission by introducing a large 3 bed 6 person maisonette. This approach is welcomed and supported under London Plan Policy H10 and Local Plan Policy HO5.

+ Affordable Housing

5.2.8 Policy HO1 of the Local Plan sets out the Council's objective of delivering housing from a range of sources. All development should contribute to boosting overall supply, including market and affordable housing, by optimising land opportunities.

5.2.9 Both Local Plan Policy HO3 and London Plan Policy H4 identify the demand for affordable housing as a key issue, and the explanatory text to Policy HO3 identifies that within Hammersmith and Fulham there are nearly 2,000 applicants on the housing register and nearly 1,400 households in temporary accommodation.

5.2.10 London Plan Policy H4 requires 50 per cent of all new housing delivered to be genuinely affordable. London Plan Policy H5 identifies a 35% threshold for all sites above ten units except (only) for land in public ownership or public use, to which a 50% threshold applies. Where applications do not meet the requirements set out in Part C of the policy, a Viability Tested Route must be followed.

- 5.2.11 Local Plan Policy HO3 sets a borough-wide target of at least 50% of all dwellings built to be affordable. Of this, 60% should be for social or affordable renting, especially for families, and 40% should be for a range of intermediate housing. Policy HO3 also states that in negotiating for affordable housing in a proposed development, the Council should still seek the maximum reasonable amount of affordable housing and take into account:
- site size and site constraints;
 - financial viability, applying the principles set out in the Viability Protocol;
 - individual circumstances and characteristics of the site.
- 5.2.12 In this case, no affordable housing is offered. The number of residential units proposed is below the threshold for which affordable housing is required. Nonetheless, officers have scrutinised the feasibility of the site to accommodate further residential units.
- 5.2.13 It is worth noting the creation of 10 units on the site, through a larger building, has already been tested under a previous refusal (ref. 2018/04146/FUL) and subsequent appeal. In that case it was proposed to increase the footprint of the approved building to provide additional flats. The Inspector in considering the appeal agreed that a larger building was deemed to be unacceptable due to the resultant impact upon the daylight and sunlight of neighbouring properties. On this basis, there is no scope to add floor area in order to increase the number of residential units proposed as part of this planning application.
- 5.2.14 Separately, the quality of the living space of the proposed 10 units was also deemed to be unacceptable under the appeal, with the Inspector noting the majority of the proposed flats only marginally exceeded the minimum space standards without additional internal floorspace to compensate for the lack of external amenity space.
- 5.2.15 As discussed below, all 9 flats have been designed to meet the minimum GIA, including the provision of additional space to compensate for the lack of private amenity space, and all have acceptable levels of light and outlook. To create additional units within the building envelope proposed would compromise the housing quality, which was not supported by the Inspector. The unit mix is also constrained by the fact that it is not possible to separate the basement from the ground floor, as the basement flats would suffer from very poor quality of residential amenity, and would not meet the required BRE standards for daylight and sunlight. Inevitably, the basement floor space needs to form part of maisonettes (in this case 2 and 3 bed flats), articulated across the basement and the ground floor.
- 5.2.16 On the basis of the above, Officers consider that it would not be appropriate to include further units within the proposed development in order to meet the affordable housing threshold.

5.3 QUALITY OF RESIDENTIAL ACCOMMODATION

5.3.1 London Plan Policy D6 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. Together with the DCLG's Nationally Described Space Standards (NDSS) it provides detailed standards which set out the minimum level of quality and design that new homes should meet.

5.3.2 Local Plan Policies HO4 and HO11 requires all housing to provide a high-quality residential environment and be well designed internally and externally. Planning Guidance SPD Key Principles HS1 and HS2 are also relevant with regards to internal space and amenity space provision for new dwellings, and reflects the requirements set out in the abovementioned London and NDSS.

5.3.3 Under the recent appeal planning permission was refused for 10 flats due to unacceptable living conditions, namely substandard levels of outlook and prospect; daylight and sunlight to the ground floor and basement flats; privacy and safety (windows at ground floor level with no defensible space); and a lack of sufficient internal living space to compensate for the shortfall of private amenity space. In determining the appeal, the Inspector only agreed with the council on grounds of a lack of defensible space for a ground floor flat fronting Gorleston Street, and inadequate GIA to offset the absence of private amenity space.

5.3.4 In summary, the current proposals have reduced the number of flats to 9, altered the housing mix, and rearranged the layouts to address the concerns regarding the lack of additional internal floorspace; and the ground floor window to the Gorleston Street frontage has been removed.

+ Internal space standards:

5.3.5 Unit sizes - Table 3.1 of London Plan Policy D6, the NDSS and Planning Guidance SPD Key Principle HS2 set out space standards for different residential units, to ensure new homes are fit for purpose and of the highest residential quality.

5.3.6 For the units proposed as part of this scheme the standards would be as follows:

- studio flats - minimum 37sqm (43.34sqm, 42.37sqm, 48.65sqm and 42.01sqm)
- 1b2p - minimum 50sqm (57sqm and 55.12sqm)
- 2b3p - minimum 61sqm (67sqm)
- 2b4p - minimum 70sqm (94.17sqm)
- 3b6p - minimum 95sqm (118.92sqm)

5.3.7 Due to a reduction in the number of flats, the altered the housing mix and rearranged layouts all of the units exceed the minimum standards for their given size, and include additional internal living space to compensate for the lack of private external amenity space. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.

+ Ceiling Heights

5.3.8 To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan Policy D6 and SPD Key Principle HS2 require a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area of each dwelling.

5.3.9 The proposed floor to ceiling heights would accord with the above requirement.

+ Aspect, light, outlook:

5.3.10 The reception of light and outlook is important to the quality of life. Dual aspect dwellings, with opening windows on at least two sides, have many inherent benefits including better daylight, greater chance of direct sunlight for longer periods, natural cross ventilation, and greater capacity to address overheating, mitigating pollution, a choice of views and greater flexibility in use of rooms. While the amount of single aspect units should be kept to a minimum, it is acknowledged this will vary according to the specifics of each site and the design rationale for their use. Planning Guidance SPD Key Principle HS2 state developments should minimise the number of single aspect dwellings, and single aspect dwellings that are north facing should be avoided.

5.3.11 With the exception of Flat 4 at first floor level, all 9 flats would be dual aspect. Although Flat 4 is single aspect (north facing) it would be of a generous size, with a view across Marcus Garvey Park.

5.3.12 A daylight and sunlight report supports the application which includes an assessment of the new residential units. The report is based on the latest 2022 revision of the BRE guidelines and uses the illuminance (daylight) and sunlight exposure methodologies.

5.3.13 Daylight Illuminance methodology uses Climate Based Daylight Modelling (CBDM) to determine the levels of illuminance (lux) achieved from daylight for at least half of the daylight hours in a typical year. The UK National Annex gives illuminance recommendations of 100 lux in bedrooms; 150 lux in living rooms; and 200 lux in kitchens. It is recommended that at least 50% of a room should exceed the recommended lux, for 50% of the total daylight hours in a year, for its use.

5.3.14 The BRE no longer recommends the use of the APSH assessment to assess sunlight potential in new dwellings, and instead concludes that a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90 degrees of due south; and a habitable room, preferably a main living room, can achieve a total of at least 1.5 hours of sunlight on 21 March.

5.3.15 With the exception of the basement bedrooms serving the maisonettes (Flats 1 & 2) all rooms within the proposed development would achieve the target median illuminance (daylight) and sunlight for their intended room use. Although the bedrooms at basement level would fail to achieve the required level, this aspect of the development remains as per the recent appeal application, whereby the Inspector did not support the council's view that such failure would compromise the quality of the living accommodation of those flats.

5.3.16 In determining the appeal the Inspector noted the bedrooms would fail to achieve both the target daylight and sunlight required for their intended use, however stated:

Para.41 "Nonetheless, the main living areas for Flats 1 and 2 exceed the BRE Guidance daylight requirements. This approach to the internal configurations of these flats is in line with the BRE Guidance which says that in respect of new development: 'Living rooms and kitchens need more daylight than bedrooms, so where there is a choice it is best to site the living room or kitchen away from obstructions. Dual-storey maisonette-type apartments may be planned with the main living rooms on the upper storey and the bedrooms on the lower floor for this reason.'

5.3.17 In terms of sunlight, the south facing rooms assessed achieve the BRE's sunlight requirements. The north facing ground floor rooms of flat 2 (maisonette) and flat 4 at first floor level would fail to meet the minimum requirements. However, in a similar scenario under the appeal the Inspector noted that because the windows are north-east facing they therefore cannot be expected to achieve good levels of sunlight. Consideration was also given to the rooms benefitting from acceptable levels of daylight, and the "attractive outlook towards the Park". On this basis, given the same circumstances apply in this case it would be unreasonable to refuse planning permission due to the shortfall in the receipt of sunlight.

5.3.18 On this basis, the overall level of outlook and sunlight/daylight provided to the units within the development would be acceptable.

+ External amenity space/playspace:

5.3.19 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. Planning Guidance SPD Key Principle HS1 require a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. Key Principle HS1 also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and for family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. The policies do however recognise that in some cases, site constraints may make it impossible to provide private open space for all dwellings.

5.3.20 Amenity space is limited to the lightwells serving the bedrooms of the maisonettes at ground and basement level. Given the very tight parameters for this site, Officers acknowledge the provision of private outdoor amenity space is extremely difficult to achieve, particularly given the proximity of the building to the adjoining property and those on the opposite side of Gorleston Street, giving rise to privacy concerns as far as balconies would be concerned. As mentioned earlier the equivalent area of floorspace has been afforded to each of the flats in lieu of the private outdoor space requirement. This would address the Inspectors concerns in determining the recent appeal.

5.3.21 Separately, consistent with the Extant Permission and the recent appeal, the applicant has agreed to a financial contribution towards improvements to Marcus Garvey Park directly to the rear which would also benefit future occupiers of the development.

5.3.22 On this basis, the lack of private outdoor amenity space has been sufficiently mitigated.

5.3.23 Overall, for the reasons set out above, Officers are satisfied that the development would provide a suitable standard of accommodation in accordance with London Plan Policy D6, Local Plan Policies HO4, HO11, CC11 and CC13 and the DCLG's Nationally Described Space Standards.

5.4 ACCESSIBILITY; SECURE BY DESIGN; AND FIRE SAFETY

+ Accessibility

5.4.1 London Plan Policy D7 and Local Plan Policy HO6 require 90% of new units to be built to building regulations standard M4(2) 'Accessible and adaptable buildings', with the remaining 10% built to standard M4(3) 'Wheelchair accessible dwellings'.

5.4.2 In accordance with the above standard it is proposed that Flat 4 would be built to M4(3) wheelchair accessible standard whilst the remainder would all be M4(2). The development would also provide level access compliant with M4(2) of the Building Regulations to all flats via a passenger lift. The application is supported by detailed plans to demonstrate compliance, which will be secured by a condition.

5.4.3 The development is proposed to be car-free, with no dedicated on-site parking. However, on-street parking is available for Blue Badge holders on Gorleston Street and the existing dropped kerb area at the corner of the road could be used as a drop-off point for wheelchair users.

+ Secure by Design

5.4.4 London Plan Policy D11 and Local Plan Policy DC1 require new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Full details of how the proposal will incorporate measures for crime prevention will be secured by a condition.

+ Fire Safety

5.4.5 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, London Plan Policy D12 recommends the fire safety of developments to be considered from the outset. London Plan Policy D12 states that 'all development proposals must achieve the highest standards of fire safety' and the requirements are set out in Section A (criteria 1-6).

5.4.6 As required a Fire Safety Statement, prepared by an independent and suitably qualified third party, has been submitted in support of the proposal. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) because the height condition is not met, and the HSE have confirmed their consultation is therefore not required. The Fire Strategy evaluates the proposal alongside British Standards, demonstrating the fire safety measures to be implemented as part of this development in respect to life safety of the occupants and facilitating adequate fire service access. Officers are satisfied that the submitted Fire Safety Statement provides sufficient information for the planning stage, however fire safety compliance will be subject to final approval under Building Regulations.

5.5 DESIGN AND HERITAGE

5.5.1 The NPPF states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

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

5.5.3 London Plan Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.

5.5.4 Policies DC1 and DC2 of the Local Plan outline the importance of delivering high quality development that improves the quality of the built environment. Amongst other things they require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of bulk, scale, materials, and design.

5.5.5 Local Plan Policy DC8 states that the council will '...aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by SPD Key Principle CAG3.

- 5.5.6 The significance of the Olympia and Avonmore Conservation Area is defined by both its key location on a main arterial route and its quiet backwater atmosphere. Within the conservation area there are various uses and scales of development, and the Conservation Area Profile sets out 5 Sub-areas of differing character. The premises fall within Sub-area B, Bishop Kings Road and the buildings lining this part of North End Road are mainly mid to late Victorian of varying architectural styles and of 3-4 storeys in height. The Edwardian former Grade II Listed West London County Court also falls within this group. Marcus Garvey Park is an important open area with paths, seating and planting that enhances the character of the conservation area. The boundary of the Fitz-George and Fitzjames Conservation Area also runs a short distance to the south.
- 5.5.7 The demolition of the pre-existing public house was already accepted under the Extant Permission. The building was not considered to make a significant contribution to local character and distinctiveness. The building was also not considered to be of any particular historic or architectural merit and made a neutral contribution to the character and appearance of the conservation area. As such no objections were raised to its demolition subject to the provision of a high quality replacement building.
- 5.5.8 The Extant Permission includes a traditional approach to 'repair' the street frontage on this section of North End Road with a replacement building. The current proposal includes a building of similar scale and height as the Extant Permission, however proposes a more contemporary design.
- 5.5.9 It is worth noting, under the previous refusal a more contemporary building was also proposed. While officers did not object to the materiality of the new building, they did not consider that the detailed design and articulation of the elevations provided the design quality required to preserve and enhance the conservation area in such a prominent corner location. In particular, it was noted the hierarchy of the floor proportions and fenestration, the fascia and parapet lines, and the loss of the active frontage at ground floor level within this parade failed to provide a continuity with the existing terrace.
- 5.5.10 However, in determining the subsequent appeal, the Planning Inspector did not support the council's view. In particular the Inspector noted:

Para 13 "The overall scale of the proposed building would assimilate with the varied scale of nearby buildings. The proposed design utilises a palette of contemporary materials which are influenced by the surrounding buildings. With its vertical alignment of window openings and the mansard roof, the proposed design also adheres to the general arrangement and form of the immediate street scene."

Para 14 "The wider block is characterised by taller ground floor heights for the shop units and public house with a fascia band at the top. Second floor windows are lower in height than the first floor windows. This arrangement creates a hierarchy of fenestration. Even so, the windows along the upper floors are not aligned along this block. There are also examples of buildings in the area, for example, along Gorleston Street, where those which incorporate a hierarchy of fenestration adjoin those without this arrangement. Therefore, the use of similar sized fenestration between different floors of the proposed building and the slightly lowered window line along the upper floors is acceptable."

Para 15 "In principle, the Council has agreed a wholly residential development at the appeal site. As such, a commercial frontage is not required. Nonetheless, the proposed scheme introduces an alternative treatment in the form of green ceramic tiles to the ground floor façade of the building along North End Road. This, along with the proposed frontage planting would give the ground floor a degree of contrast and presence, relative to the upper floors of the building. This arrangement would also complement the neighbouring shop fronts and tiling along the façade of the public house. Whilst there would be some misalignment between the top of the proposed tiled section of the ground floor and the fascia band for the adjacent shop front, this would be absorbed by the offset between the facades of these buildings."

Para 16 "The roofscape for 31 and 33 is characterised by a deep and continuous parapet with recessive mansard roofs and small dormer windows set behind the parapet. However, the wider roofscape along North End Road does feature taller buildings and those with more prominent mansard roofs."

5.5.11 Based on the above, the Inspector concluded in para's 19 and 20 "Overall, the proposed building would be a well-designed, proportionate, contemporary and acceptable addition to the street scene. For the above reasons, the proposal would not harm the character and appearance of the area or the Olympia and Avonmore Conservation Area. This accords with the requirements of London Plan Policies HC1 and D3, and Local Plan (2018) ('LP') Policies DC1, DC4 and DC8. Amongst other matters, these policies seek to ensure that developments are compatible with and respect their context, as well as conserving or enhancing heritage assets."

5.5.12 In order to address previous concerns relating to residential amenity, the proposed building reflects the Extant Permission (2018/04146/FUL) in terms of its overall height, scale and massing, with some minor, insignificant protrusions at roof level, and therefore officers consider its overall height, scale and massing to be acceptable.

5.5.13 The architectural design and detailing however are closely similar to the scheme that was ultimately dismissed at appeal (2022/03211/FUL) on grounds unrelated to considerations of design and conservation matters. Accordingly, based on the assessment and conclusions made by the Inspector, the proposed architectural design and detailing in this case is acceptable.

5.5.14 To ensure the proposal achieves a highway quality design and appearance, it is recommended conditions are attached to secure details in plan, section and elevation of typical bays, rooftop plant and PV panels at a scale of 1:20, and samples of materials palette.

5.5.15 Overall, taking into account the appeal decision and subject to the abovementioned conditions, the proposed building would not have any harmful impacts upon the setting of the Olympia and Avonmore Conservation area or the setting of the abovementioned nearby heritage assets, and is therefore considered acceptable in terms of the impact on visual amenity, in accordance with the above the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan Policies D3 and HC1, and Local Plan Policies DC1, DC4 and DC8.

5.6 RESIDENTIAL AMENITY

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

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

5.6.2 Policies DC1 and DC2 require all proposals for new builds to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

5.6.3 The neighbouring residential properties that potentially stand to be most impacted by this development are Nos. 31, 33 and 39 North End Road; and 4 Gorleston Street. The new-build flats at Nos. 6-12 Gorleston Street are located diagonally opposite from the site, and it is not considered that the development would result in any significant impacts to that building.

5.6.4 In order to address concerns raised under the appeal application in respect to residential amenity (namely loss of daylight/sunlight to neighbouring properties), the current proposal has been amended to replicate the building already approved under the Extant Permission in terms of scale, height and massing.

+ Privacy

5.6.5 As per the Extant Permission the proposed building retains a separation distance of just over 8 metres between the proposed south elevation of the development and the residential windows at 39 North End Road and 4 Gorleston Street on the opposite side of the road, infringing the 18-metre minimum separation distance set by Key Principle HS7(iii) of the Planning Guidance SPD. However, there was an existing similar relationship between first floor residential windows on the pre-existing building and the properties opposite. Separately, the proposed building would have fewer windows per floor compared to the Extant Permission, thereby having a lesser overlooking impact on 39 North End Road and 4 Gorleston Street. Nonetheless the relationship between windows on opposing sides of the street is a fairly typical relationship in local streets and for this reason Officers consider that the development would not be unneighbourly.

5.6.6 There would be a window at both second and third floor level to the northern elevation, however this would also be a reduction to the Extant Permission. Nonetheless the proposed windows would be positioned at an oblique angle to the windows in nos. 31 and 33 North End Road to avoid overlooking.

+ Daylight and Outlook:

5.6.7 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.

5.6.8 The Extant Permission was accompanied by a detailed daylight and sunlight assessment which considered the impact to the following properties:

- o 6-12 Gorleston Street
- o 4 Gorleston Street
- o 31 North End Road
- o 33 North End Road
- o 39 North End Road

5.6.9 Whilst the Extant Scheme did not strictly accord with all relevant tests outlined in the BRE Guidance, this was interpreted flexibly, and the scheme was considered acceptable with regard to other matters.

5.6.10 Under the recent appeal planning permission was refused for a building larger than that approved under the Extant Permission on grounds relating to additional loss of sunlight and daylight to neighbouring properties. In determining the appeal the Inspector agreed that the additional loss of sunlight and daylight relative to the fallback scheme (Extant Permission) would constitute an inappropriate and unneighbourly form of development.

5.6.11 In response, the proposed building has been amended to sit within the envelope of the Extant Permission. A further assessment has been undertaken whereby the Extant Permission has been assessed as a hypothetical baseline against the Proposed Development. For consistency, the same properties have been assessed.

5.6.12 The results show that, given the proposed building is of a similar scale, massing and height to the Extant Permission, there would be no noticeable change to the daylight and sunlight levels to neighbouring properties beyond what has already been considered. For the same reasons it is not considered the proposal would result in noticeable additional loss of outlook beyond what has already been considered. On this basis the proposal is acceptable.

+ Environmental Nuisance

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

5.6.14 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.

5.6.15 Conditions relating to enhanced sound insulation, plant noise levels and plant anti-vibration measures would be attached.

+ Building Works

5.6.16 In accordance with SPD Key Principle NN7 a Outline Construction Management Plan (CMP) supports the application to address disturbance during the building works. Given that the level of detail required will not be available until such a time that the specialist contractors are on board, a final CMP would be secured by a condition if the application were acceptable in all other respects.

5.7 HIGHWAYS AND TRANSPORTATION

5.7.1 The NPPF requires that developments should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved; and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 5.7.2 London Plan Policies T1, T2, T3, T4, T5, T6.4 and T7 set 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.
- 5.7.3 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'.
- 5.7.4 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".
- 5.7.5 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. These are supported by Key Principles TR1-TR4, TR6-TR7, TR17 and TR21 and TR27 of the Planning Guidance SPD.
- 5.7.6 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste. Planning Guidance SPD Key Principles WM1, WM2, WM7 and WM11 are also applicable which seek off-street servicing for all new developments.
- 5.7.7 In accordance with the above policies a Transport Statement (TS) and a outline Construction Logistics Plan have been prepared to support the planning application.

+ Access

- 5.7.8 There is no vehicular access for this site which is supported by the Highways Authority. With regard to pedestrian access, this would be from the northern side of Gorleston Street.

+ Car parking

5.7.9 Using Transport for London's methodology, the application site has a PTAL 6a rating, indicating excellent public transport accessibility levels. Accordingly, to be compliant with Policy T6 of the London Plan, Policy T4 of the Local Plan and to prevent an increase in parking stress within surrounding streets, as well as to reduce the impact on air quality which additional car generation would otherwise create, it should be ensured that the proposed residential units are all car parking permit free. The Council's chosen method to ensure car parking permit free development is via a Legal Agreement, and the applicant has confirmed in writing that they are willing to agree a Legal Agreement to secure this. Subject to this, officers are satisfied that the proposal would mitigate against harmfully exacerbating any existing levels of parking stress and congestion within the locality, or from impacting on air quality levels. This is considered to be in accordance with Policy T6 of the London Plan and Policies T4 and CC10 of the Local Plan.

+ Cycle parking

5.7.10 London Borough of Hammersmith and Fulham is a borough where higher minimum cycle parking standards apply. London Plan Policy T5 and Local Plan Policy T3 seek to increase and promote opportunities for cycling and walking, including by requiring new developments to include the provision of convenient, accessible and safe cycle parking. Cycle parking spaces are required to be in a safe, easily accessible and convenient location, must be built for the life of the development and should comply with the West London Cycle Parking Guidance (2017) and London Cycling Design Standards (Chapter 8).

5.7.11 London Plan Policy T5 requires 1.5 cycle parking spaces for all 2-person 1 bedroom dwellings and 2 cycle parking spaces for all other dwellings. Separately, a minimum of 2 short term spaces are required for all residential developments providing between 5-40 dwellings. These are required to be safe, accessible and conditioned for the life of the development.

5.7.12 Under the recent refusal, cycle parking was proposed at basement level. The Inspector agreed with officers that the provision failed to provide convenient and accessible cycle parking facilities to promote opportunities for cycling. In contrast, as per the Extant Permission, the current proposal includes the provision of 13 secure and covered long-term cycle parking spaces at ground floor level within the building's entrance. Separately, 2 short-term visitor cycle spaces are also to be provided within the site on the Gorleston Road frontage. Highways officers have considered the proposed cycle parking and are satisfied the provision is acceptable in terms of the quantum, and the location is safe, accessible and convenient. A condition will secure the implementation of the cycle parking storage.

+ Servicing and deliveries

5.7.13 The proposal provides communal refuse and recycling storage at ground floor level with direct access from Gorleston Street. As per the 'Transport Statement', and the Extant Permission, the refuse collection and deliveries will be carried out on the carriageway of Gorleston Street in accordance with other properties on this road. This is deemed to be acceptable by the Highways Team. A condition will secure the implementation of the refuse/recycling storage.

+ Highway works

5.7.14 The applicant is required to enter into a S278 Agreement to secure highways improvement and reinstatement works along the site frontages of North End Road and Gorleston Street.

+ Building Impacts

5.7.15 To manage the construction phase of the development and the associated impacts of construction traffic accessing the site, the application is supported by a Construction Logistics Plan (CLP). This has been reviewed by the Council's Highways Team who deem the statement to be generally acceptable. A final CLP will be secured by a condition, including associated monitoring fees (secured by a legal agreement), and will remain live a document with ongoing consultation with the Council's Highways Officers.

5.7.16 In summary, there are no objections to the proposal based on highways, traffic or parking. Subject to the outlined conditions and legal obligations the proposal accords with the above policies.

5.8 FLOOD RISK AND SUDS

5.8.1 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

5.8.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.

5.8.3 This site is in the Environment Agency's Flood Zone 1. This indicates a low risk to flooding from the River Thames. The site is also considered to be low risk in relation to surface water flood risks. A basement level is included for the new building so sewer and groundwater flood risks will be present and need mitigating.

- 5.8.4 The application is supported by a Flood Risk Assessment and SuDS Report (combined). This states that structural waterproofing measures will be incorporated in the basement, including a cavity drainage system, and a pumped system will be used for the basement drainage to help provide protection from sewer flooding.
- 5.8.5 In terms of the proposals to manage surface water, the main SuDS feature proposed is a blue/green roof system to attenuate stormwater intercepting the building. This will be released in a controlled manner at a discharge rate of 0.68l/s to the sewer network. This represents a reduction of 95% compared to the existing discharge rates. There are also some ground and basement floor/wall areas available which will include rain gardens which will also be fed by water from the roof. Details of how these SuDS features will be operated and maintained is provided.
- 5.8.6 Thames Water raises no objection subject to conditions relating to Piling Method Statements, and informatives relating to water pressure and Groundwater Risk Management Permit.
- 5.8.7 The implementation of the flood risk mitigation measures and sustainable drainage measures will be secured by a condition, as will planting details in respect to the green roof/walls. On this basis, officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies cited above.

5.9 ENERGY AND SUSTAINABILITY

- 5.9.1 London Plan Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund or off-site provided an alternative proposal has been identified and delivery is certain.
- 5.9.2 London Plan Policy SI 4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

- 5.9.3 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.
- 5.9.4 This is a minor application, and therefore the provision of supporting information on energy and sustainability is not required to demonstrate policy compliance, however it is encouraged.
- 5.9.5 In this case, the application is supported by an Energy Statement which demonstrates that energy efficiency and on-site renewable energy generation (Air Source Heat Pumps and solar PV panels will be installed on the roof) will be incorporated to reduce CO2 emissions. The overall CO2 reduction achieved is 75% which is welcomed for a minor scheme.
- 5.9.6 A Sustainability Statement also supports the application and includes information on water conservation measures and the inclusion of sustainable drainage features; as well as sustainable materials use, ecology measures, and sustainable transport access which have been considered by other specialist officers and commented on under the relevant sections of this report.
- 5.9.7 In view of the above, there is no objection raised on energy and sustainability grounds, under London Plan Policies S1 2 and S1 4 and Local Plan Policies CC1 and CC2.

5.10 AIR QUALITY

- 5.10.1 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.
- 5.10.2 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 5.10.3 Local Plan Policies CC1 and CC10 seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.

5.10.4 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of existing very poor air quality that exceeds the annual mean council 2030 Air Quality targets for Nitrogen Dioxide (NO₂), and Particulate Matter (PM_{2.5} and PM₁₀), due to the road traffic emissions from North End Road. The development will introduce new residential receptors into an area of very poor air quality. The construction and operation of the development also has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. Accordingly, the Council's air quality officer has requested several conditions to capture further mitigation measures, including the submission of an Air Quality Dust Management Plan (AQDMP) and associated monitoring fee (captured by a legal agreement).

5.10.5 Subject to the recommended conditions and obligations no objection would be raised under the NPPF, London Plan Policy SI 1 and Local Plan Policies CC1 and CC10 on air quality grounds.

5.11 LAND CONTAMINATION

5.11.1 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.

5.11.2 Under the Extant Permission conditions relating to the assessment and remediation of contaminated land were discharged. The remaining conditions relating to the submission of a verification report and an onward long-term monitoring methodology report will be reattached.

5.11.3 Subject to the conditions recommended above, no objection would be raised under Local Plan Policy CC9 on land contamination grounds.

5.12 ARBORICULTURE, ECOLOGY AND BIODIVERSITY

5.12.1 London Plan Policy G7 and Local Plan Policies OS1 and OS5 seek 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.

5.12.2 As stated earlier, provisions are being made to green the area through the addition of ground floor planting, basement green walls and a green roof, which is an improvement to the existing situation which features no soft landscaping. No planting scheme has been provided at this stage, and so a condition is imposed to secure the submission of a landscaping plan and associated maintenance plan. As requested by the Ecology Officer the planting schedule should aim for 50% native species.

- 5.12.3 In addition a condition will also secure a simple ecological enhancement to the site in the form of a bird box to the North East face of the building which faces Marcus Garvey Park. Local records show that London Priority species of house sparrows and swifts are present near to site and therefore these would be suitable species to target.
- 5.12.4 There are no trees within the existing site, however there are 2 trees adjacent to the rear of the site. An Arboricultural Impact Assessment and Method Statement supports the application, which demonstrates measures to be implemented to retain the existing trees. The tree protection measures will be secured by condition.
- 5.12.5 Separately, as per the Extant Permission, and supported by the Inspector in the recent appeal, the applicant has agreed to a financial contribution of towards environmental improvements to Marcus Garvey Park.
- 5.12.6 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024 and for minor development proposals from 2nd April 2024. The subject planning application was submitted in November 2023, predating the current legislation, and is therefore exempt from BNG.
- 5.12.7 In summary, subject to the inclusion of conditions and legal obligation officers consider that the proposed development accords with Policy G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of arboriculture, ecological and urban greening.

5.13 ECONOMIC DEVELOPMENT AND SKILLS TRAINING

- 5.13.1 Policy E11 of the London Plan 'Skills and opportunities for all' requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. Local Plan Policy E4 'Local Employment, Training, and Skills Development' echoes this requirement compelling provision for appropriate employment and training initiatives for local people of all abilities in the construction of major developments.
- 5.13.2 In accordance with the above policies, contributions would be required towards the provision of appropriate employment and training initiatives for local people of all abilities during the construction phase of the development (i.e. apprenticeships and paid and unpaid work placements) as well as contributions to support the procurement of local labour. The applicant has agreed to enter into a legal agreement to secure support for employment, training and local business.

6.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

- 6.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of £61,040 (plus indexation).
- 6.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. This development is liable for an estimated local CIL of £152,600 (plus indexation).

+ Legal Agreement

- 6.3 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'.
- 6.4 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."
- 6.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 6.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.

- 6.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

Heads of Terms

- 6.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) A financial contribution of £44,000 towards environmental improvements to Marcus Garvey Park
 - 2) A financial contribution of £100,000 towards community safety and public realm improvements
 - 3) Employment and skills/ local procurement comprising:
 - a. A financial contribution of £17,284 (£13,080 E&S + £4,204 LP) to support delivery of the Council's Industrial Strategy "Upstream London", including to support employment, skills and local procurement activities.
 - b. At least 10% of the total number of people employed during the development are local (H&F) residents, including:
 - 1 apprenticeship
 - 1 paid work experience placements lasting at least 6 months
 - 1 unpaid work experience placements for local (H&F) residents and students of local (H&F) schools lasting at least 4 weeks
 - c. Local (H&F) businesses are procured in the supply chain of the construction of the development to a value of at least 10% of the build costNone of these contributions are double counted with any social value contributions committed by a procured developer as part of the procurement process
 - 4) The development will require a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prohibit any occupier of the 9 residential units to obtain a parking permit
 - 5) Air Quality - £5,000 per annum for the construction phases of the development will be required for the Council's compliance monitoring of the AQDMP (secured by condition) and to maintain the councils Construction Site Monitoring Register Website
 - 6) Construction Logistics Plan (CLP) - contribution of £5,000 per year until completion of construction towards monitoring of CLP (secured by condition)

- 7) Prior to the commencement of development, enter into a S278 Agreement to fund the following Highways Works necessitated by this Development, at the Developer's cost:
 - o Highways improvement and reinstatement works on the site frontages of North End Road and Gorleston Street
- 8) Not to Occupy the Development until the agreed Highways Works, forming the S278 Agreement have been implemented and all Council costs have been met
- 9) A commitment to meet the costs of the Council's associated legal fees

7.0 CONCLUSION

- 7.1 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.
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 7.3 In summary, the permanent loss of a public house on the site has been justified, and the proposed development would contribute towards the quantity of the borough's housing stock. The proposed building is acceptable in visual terms, having regard to the character and appearance of the Olympia and Avonmore Conservation Area and nearby Fitz-George and Fitzjames Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new dwellings meet the minimum standards and provide a good standard of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination, and ecology and biodiversity have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.
- 7.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

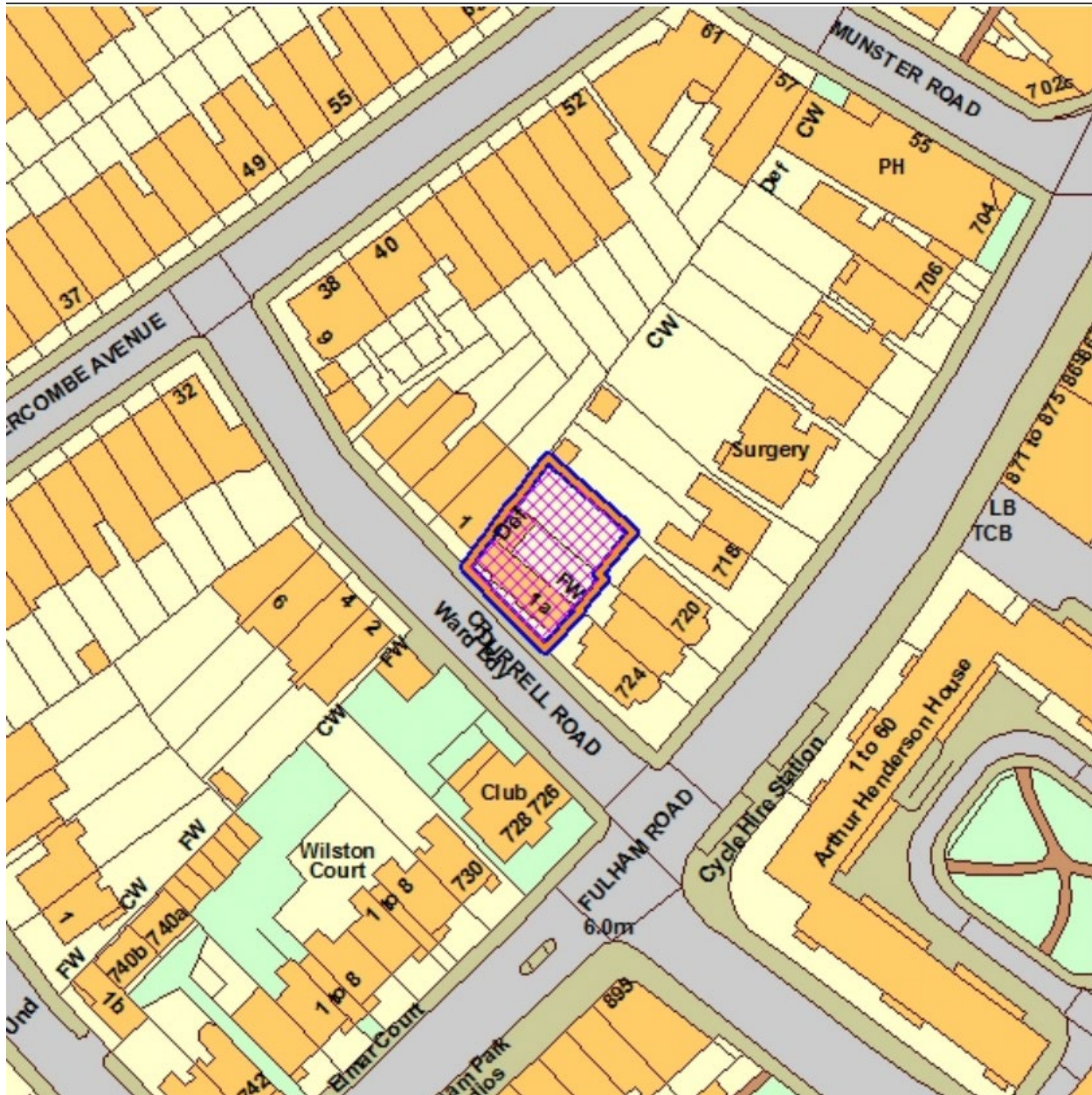
8.0 RECOMMENDATION

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

Ward: Munster

Site Address:

1A Durrell Road London SW6 5LQ



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For identification purposes only - do not scale.

Reg. No:
2025/00352/FUL

Case Officer:
Christopher May

Date valid:
18.02.2025

Conservation Area:
Central Fulham
Conservation Area

Committee Date:
16.09.2025

Applicant:
Khaled El Jalek
c/o Jo Cowen Architects
533 Kings Road
London
SW10 0TZ

Description:
Demolition of the existing semi-detached single dwellinghouse and erection of 3no. new dwellinghouses plus basement with front and rear lightwells, including erection of new low level brick-built front boundary wall with metal railings on top and brick piers, erection of 3no. bike stores in the rear garden, and provision of amenity spaces amalgamated with part of the rear garden to the rear of no.720 Fulham Road; removal of existing crossover and reinstatement of footpath/ kerb to the front elevation.

Application type:
Full Detailed Planning Application

Officer Recommendation:

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

Conditions:

1) Time Limit

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

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

2) Approved Plans/Drawings

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

JCA-0936-1000-PP-SP Rev.P1;
JCA-0936-1001-PP-BF Rev.P2;
JCA-0936-1002-PP-GF Rev.P2;
JCA-0936-1003-PP-1F Rev.P1;
JCA-0936-1004-PP-2F Rev.P3;
JCA-0936-1005-PP-RF Rev.P2;
JCA-0936-1010-PE-SW Rev.P2;
JCA-0936-1011-PE-SE Rev.P3;
JCA-0936-1012-PE-NE Rev.P2;
JCA-0936-1013-PE-NW Rev.P2;
JCA-0936-1020-PA-AA Rev.P2;
JCA-0936-1021-PS-BB Rev.P3;
JCA-0936-4501-PP-G Rev.P1;
JCA-0936-4504-PP-G Rev.P1;

Arboricultural Impact Assessment Report prepared by Landmark Trees received 7 February 2025;

Flood Risk Assessment prepared by Green Structural Engineering received 5 June 2025;

Construction Logistics Plan prepared by ADL Planning PTY Ltd received 7 February 2025;

Construction Management Plan prepared by ADL Planning PTY Ltd received 7 February 2025;

Construction Method Statement prepared by Toynbee Associates received 7 February 2025;

Fire Safety Statement received 7 February 2025.

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

3) Materials

Details of all external materials to be used in the faces and roofs of the development (including physical material samples) shall be submitted to and approved in writing by the Council prior to the commencement of development. An

external materials sample panel shall be constructed onsite for the inspection and approval of the Council in writing prior to the commencement of development. The development shall be carried out and completed in accordance with the approved details and the approved external materials sample panel and thereafter permanently retained. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

4) Hard and Soft Landscaping

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

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

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

5) Refuse and Recycling

Prior to occupation of the residential units hereby approved the refuse and recycling bin storage shall be implemented in accordance with the approved details as shown on drawing no. JCA-0936-1002-PP-GF Rev.P2 and shall thereafter be permanently retained.

Reason: To ensure adequate refuse and recycling facilities and to ensure that the use does not give rise to smell nuisance and to prevent harm to the character and appearance of the Conservation Area arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan 2018.

6) Cycle Storage

Prior to occupation of the residential units hereby approved the cycle storage shall be implemented in accordance with the approved details as shown on drawing nos. JCA-0936-1002-PP-GF Rev.P2, JCA-0936-4501-PP-G Rev.P1 and JCA-0936-4504-PP-G Rev.P1 and shall thereafter be permanently retained.

Reason: To encourage and support the increased use of bicycles, thereby promoting sustainable and active modes of transport, in accordance with Policy T5 of the London Plan (2021) and Policies T3 and CC7 of the Local Plan (2018).

7) Opaque Window

The development hereby permitted shall not be occupied until the new first floor bathroom window in unit 1C (as shown on drawing nos. JCA-0936-1003-PP-1F Rev.P1 and JCA-0936-1012-PE-NE Rev.P2;) has been installed with obscure glazing to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. Thereafter, the window shall be retained in the form approved.

Reason: In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy HO11 and DC4 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

8) No External Alterations

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.

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

9) Rooftop Structures

No part of any roofs of the buildings shall be used as roof terraces or other form of open amenity space.

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

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

10) 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 drawing nos. JCA-0936-1005-PP-RF Rev.P2, JCA-0936-1010-PE-SW Rev.P2 and JCA-0936-1012-PE-NE

Rev.P2, 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.

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

11) Flood Risk Assessment (FRA)

No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the Flood Risk Assessment prepared by Green Structural Engineering received 5 June 2025 and Construction Method Statement prepared by Toynbee Associates received 7 February 2025 and the development shall be permanently retained in this form and maintained as necessary thereafter. Notwithstanding the contents of approved FRA, the flood prevention and mitigation measures for this development shall include permeable paving and water butts as indicated on the approved plans.

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

12) Tree Protection

All site clearance, preparatory work or development shall take place in strict accordance with the hereby approved Arboricultural Impact Assessment Report prepared by Landmark Trees received 7 February 2025.

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

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

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

13) Hoarding – Demolition Phase

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

clearance/demolition works and thereafter be retained for the duration of the building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of commercial advertisement hoardings unless the relevant advertisement consent is sought from the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

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

14) Air Quality Emissions Control and Dust Management – Demolition Phase

Prior to the commencement of the demolition phase (excluding installation of hoarding around the perimeter of the site) of the development hereby permitted, details of Air Quality Emissions Control including Nitrogen Oxides (NO_x), Particulates (PM₁₀, PM_{2.5}) emission control of Non-Road Mobile Machinery (NRMM), On Road Vehicles and fugitive dust emissions in order to mitigate air pollution shall be submitted to and approved in writing by the council. The submitted details shall include:

- a) 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.
- b) Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 and Euro VI
- c) Details of installation of solid timber hoarding (minimum height of 2.5 metres) in accordance with BS 5975-2:2024 including photographic confirmation of installed solid timber hoarding around the perimeter of the site on all site boundaries.

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 in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be

fully implemented and permanently retained and maintained during the demolition phases of the development.

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

15) Air Quality Emissions Control and Dust Management – Construction Phase

Prior to the commencement of the construction phase (excluding installation of hoarding around the perimeter of the site) of the development hereby permitted, details of Air Quality Emissions Control including Nitrogen Oxides (NO_x), Particulates (PM₁₀, PM_{2.5}) emission control of Non-Road Mobile Machinery (NRMM), On Road Vehicles and fugitive dust emissions in order to mitigate air pollution shall be submitted to and approved in writing by the council. The submitted details shall include:

a) 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.

b) Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 and Euro VI
Details of installation of solid timber hoarding (minimum height of 2.5 metres) in accordance with BS 5975-2:2024 including photographic confirmation of installed solid timber hoarding around the perimeter of the site on all site boundaries

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 in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development

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

16) Ventilation Strategy

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the three self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation (WHO) aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m-3, Particulate (PM₁₀) -15 ug/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:

1. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
2. 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.
3. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

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

17) Ventilation Strategy - Compliance

Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 15 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.

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

18) Zero Emission Heating

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 Pumps as stated within the Energy and Sustainability Statement prepared by Hodkinson dated March 2025 to be provided for space heating and hot water for the three self-contained dwellinghouses (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.

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

19) Indoor Air Quality

Prior to occupation of the development hereby permitted, the installation/commissioning certificates including photographic confirmation of the installed electric induction cooking appliance in the kitchens of the three self-contained dwellinghouses (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.

Reason: In order to reduce carbon-based gas connections and to ensure adequate levels of indoor air quality in the councils boroughwide air quality management area, in accordance with Local Plan Policy CC10 and the councils Air Quality Action Plan.

20) Wastewater Heat Recovery System (WWHRS)

Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Waste Water Heat Recovery System (WWHRS) for the three self-contained dwellinghouses (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.

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

21) Demolition Management/Logistics Plan

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

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

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

22) Construction Management/Logistics Plan

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

- (i) A Construction Management Plan:

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

(ii) A Construction Logistics Plan-

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

Reason: 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).

23) Preliminary Risk Assessment

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

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 of the Local Plan (2018).

24) Site Investigation Scheme

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

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 of the Local Plan (2018). 26)

25) Quantitative Risk Assessment

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

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 of the Local Plan (2018).

26) Remediation Method Statement

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

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 of the Local Plan (2018). 27)

27) Verification Report

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

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 of the Local Plan (2018).

28) Onward Long-Term Monitoring Methodology

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

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 of the Local Plan (2018).

29) PD Rights – Use as Single Family Dwelling

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

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

30) Remove PD rights - Alterations and Extensions

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

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

31) Internal Noise Criteria

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

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

32) Fire Safety

The development shall be carried out in accordance with the provisions of the Fire Safety Statement prepared by Fire Safety London dated 20th January 2025, unless otherwise approved in writing by the Local Planning Authority.

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

33) Building To Be Recorded

Prior to commencement of any demolition works, an internal and external photographic record of the building identifying key features within each room and all circulation spaces with locations of each photograph marked on floor plans shall be submitted to and approved in writing by the Local Planning Authority and a copy of the approved photographic record and floorplans shall be deposited at the Local Archives.

Reason: To record the local historic interest of the Building of Merit for future generations, in accordance with Policy DC8 of the Local Plan 2018.

34) Building Contract

The demolition works hereby permitted shall not commence until a signed building contract(s) for the complete redevelopment of the site in accordance with the approved plans has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that works do not take place prematurely, thereby preventing unnecessary harm to the significance of the Building of Merit and the Conservation Area in accordance with Policy DC8 of the Local Plan 2018.

Justification for approving application:

1. Land Use: The proposal would achieve a sustainable form of development by meeting local housing demands on previously developed land suitable for residential infill development that would be compatible with the land uses in the surrounding area, which is characterised primarily by residential uses in single dwellinghouses and flats. The proposed family sized residential units would make efficient use of land by optimising residential use on this brownfield site. The proposals are therefore considered to be in accordance with Policy D3, GG2 and GG4 of the London Plan (2021) and Policies HO1, HO4 and HO5 of the Local Plan (2018).
2. Housing Quality: The proposed development would provide 3 family-sized dwellinghouses with 3-4 bedrooms in excess of their minimum floorspace requirements and with some external amenity space. The proposed units would provide dwellings with acceptable living conditions, good standards of accommodation and good amenities to future occupiers in accordance with London Plan (2021) Policy D6, the Mayor's Housing 'Design Standards' LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and relevant Housing Key Principles of the 'Planning Guidance' SPD (2018) which all require new housing to be of a high quality design and be designed to have adequate internal and external space.
3. Design, Appearance and Character: The proposed development is considered to be of a high-quality of design which optimises the capacity of previously developed land. It is considered that the proposed development would be compatible with the character and appearance of the surrounding development and the prevailing character of the Conservation Area in terms of its height, mass, form, detailed design and materiality. Whilst the proposal would result in the loss of a locally listed Building of Merit, it has been adequately demonstrated that the existing building has been significantly altered over time such that it no longer retains any significant architectural interest and that it is of limited local historic interest. The harm to the significance of the Central Fulham Conservation Area arising from the loss of the non-designated heritage asset would be less than substantial and would be outweighed by public benefits including the high quality of the design of the replacement dwellings and the delivery of new housing units. The proposed scheme therefore accords with the NPPF (2024), London Plan (2021) Policies D3 and HC1 and Local Plan (2018) Policies DC1, DC2 and DC8.
4. Residential Amenity: The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. In this regard, the proposals comply with Policies DC1, DC2,

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

5. Transport and Highways: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking, and a legal agreement is secured to ensure a car-free scheme for the two new units in this area which benefits from very good public transport links. Adequate provision for the storage and collection of refuse and recyclables would be provided. The existing off-street parking space would be eliminated, and the associated vehicular crossover would be removed, with the kerb reinstated at the applicant's expense. 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).

6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, energy, sustainability, trees and air quality are considered to be acceptable subject to conditions to secure further details of mitigations and appropriate measures, in accordance with London Plan (2021) Policies SI 12 and SI 13 Local Plan (2018) Policies CC1, CC2, CC3, CC4, CC9, CC10 and OS5, and relevant Key Principles of the 'Planning Guidance' SPD (2018).

7. Planning Obligations: Planning obligations to offset the impacts of the development and make it acceptable in planning terms are secured. This includes urban greening/tree replacement, car permit free restrictions, Section 278 highways works and the submission of a Construction Management Plan and an Air Quality Dust Management Plan plus monitoring fees. The proposed development would therefore mitigate external impacts and cater to the needs of the community affected by the proposed development. This would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy INFRA1.

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2023).
- 2) 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).

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 applicant should contact the Environmental Quality team via e-mail to Environmental.Quality@lbhf.gov.uk or by phone on 0208 753 1081 as soon as possible to discuss the steps necessary to fulfil the contaminated land conditions.
- 5) You are advised that under Section 80 of the Building Act 1984 you are required to give the Council a minimum of 6 weeks' notice of your intention to carry out any works of demolition of the whole or part of a building. You should submit your notice of intended demolition to the London Borough of

Hammersmith and Fulham, Environmental Quality Team, Hammersmith Town Hall Extension, King Street, Hammersmith W6 9JU or email Environmental.Quality@lbhf.gov.uk. Please see our webpage for further details: Demolition notices | London Borough of Hammersmith & Fulham (lbhf.gov.uk)

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 7th February 2025

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:
Metropolitan Police Crime Prevention

Dated:
06.03.2025

Neighbour Comments:

Letters from:

Dated:

3 Durrell Road SW6 5LQ	28.03.2025
38a Hestercombe Avenue SW6 5LJ	25.02.2025
34 Waldemar Avenue London SW6 5NA	20.02.2025
40 Waldemar Avenue London SW6 5NA	20.02.2025
2 Durrell Road London SW6 5LH	22.04.2025
Flat 1 722 Fulham Road London SW6 5SB	19.03.2025

1. SITE DESCRIPTION AND HISTORY

- 1.1. The site (0.04 hectares) is located on the northeast side of Durrell Road and includes an existing two-storey building in use as a single-family dwellinghouse with an ancillary garage and 1 parking space accessed from Durrell Road. The property contains a one-storey rear extension constructed along the northwest boundary with No.1 Durrell Road.
- 1.2 The site is situated in a predominantly residential area. To the east and north-east are Nos.720 to 724 Fulham Road which comprise a four-storey residential terrace (plus basement) which is in use as flats. Immediately to the west and to the south along Durrell Road are two-storey residential terraces with accommodation at roof level.
- 1.3 The site is located within the Central Fulham Conservation Area and property included on the Council's Local Register of Buildings of Merit. The site is also located within the Environment Agency's Flood Risk Zone 3.

Relevant Planning History

- 1.4 In 1980 planning permission (Ref: 1980/01205/FUL) was granted for the erection of rear extension at ground and first floor levels.

2. PUBLICITY AND CONSULTATION

Pre-Application

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the applicant undertook pre-application discussions with the Local Planning Authority between May 2024 and October 2024. The final pre-application scheme was submitted in August 2024, and officers raised no objections subject to minor design alterations and an assessment of the full impact on the residential amenity of neighbouring properties. The applicant was encouraged to conduct their own pre-application engagement with neighbours due to the proximity of neighbouring buildings.

Pre-Application Public Engagement

- 2.2 The applicant's Design and Access include a chapter on the methodologies that they used during their pre-application consultation process. Letters were sent out to neighbouring properties and site notices were posted ahead of two public meetings on 11th and 18th of September 2024. According to the applicant, the draft proposals were well received in general and the following summary comments were provided by respondents: -

- Some support for the principle of development;

- Request for transparency and clear communication throughout planning and delivery stages;
- Request appropriate site management and use of reputable building contractors with necessary experience;
- Management of construction and through traffic;
- Car parking;
- Daylight levels;
- Location of new tree and specification.

2.3 In response to the to the feedback, the applicant submitted the following:

- a professional Daylight/Sunlight report
- detailed demolition/construction management/logistics plans

Statutory Consultation

2.4 The application was publicised by site and press notices. Individual notification letters were also sent to 76 neighbouring addresses. In response, 7 letters were received including 1 joint letter of support from 6 individual addresses which states that the three family-sized homes would represent a positive contribution to the neighbourhood. The 6 objections (including duplicates) raised the following summary concerns: -

- This is not a brownfield or opportunity site, and intensification is not justified
- Demolition of Building of Merit in conservation area
- Loss of green space on site
- Bland new build
- Insufficient evidence to show that there will not be substantial loss of sunlight and daylight to the rear properties fronting Fulham Road
- Unsatisfactory flood risk assessment

2.5 Officers comments:

The National Planning Policy Framework (NPPF, 2024) defines 'brownfield' as 'previously developed land', which includes 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).' The application site meets the NPPF definition and policy approach for the redevelopment of brownfield sites.

All the relevant concerns which constitute a material planning matter, including design and visual amenity, compatibility with the surrounding conservation area, impacts on neighbouring residential amenity, and environmental concerns are addressed within the body of the report.

3. POLICY CONTEXT

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

National Planning Policy Framework (2023)

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

The London Plan (2021)

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

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan

for the borough. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.

3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.

3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:

- the principle of the development in land use terms;
- housing quality;
- design, character and appearance;
- residential/neighbouring amenity;
- transport and highways;
- environmental considerations and
- planning obligations.

4. PRINCIPLE OF DEVELOPMENT AND LAND USE

Housing Supply

4.1 Policy H1 of the London Plan (2021) establishes ten-year targets for net housing completions that each local planning authority should plan for. Table 4.1 sets a 10-year target of 16,090 net additional dwellings for Hammersmith and Fulham by 2028/2029. Policy HO1 of the Local Plan (2018) references this target and seeks the delivery of additional dwellings within the borough on both identified and windfall sites, and as a result of changes of use.

4.2 The existing lawful use of the building is as a single dwellinghouse for residential purposes. The application site is located within a residential area and would result in a net gain of 2 residential units that would contribute towards housing delivery in the borough. The continued use of the site for residential purposes is acceptable subject to relevant development management policies and any other material considerations. The proposals accord with London Plan Policy H1 and Local Plan (2018) Policy HO1.

Small Sites

- 4.3 Policy H2 (Small Sites) of the London Plan sets out that Boroughs should proactively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.04 hectares in size and therefore represents a small site for the purpose of this policy.
- 4.4 The proposal would provide three residential units and would make efficient use of this small site. The proposals accord with Policy H2.

Housing mix

- 4.4 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.5 The proposed scheme comprising of 2 x 4-bed and 1 x 3-bed units is considered to represent an appropriate housing mix in this location. Generally, outside of town centres, the Council would expect a higher proportion of larger family-sized units. This is because such locations are not usually as constrained and are more appropriate to provide large family sized units. Overall, the proposed scheme would accord with Policy HO5 of the Local Plan.

5. QUALITY OF ACCOMMODATION

Internal Floorspace and External Amenity Space Standards

- 5.1 Local Plan Policy HO4 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes, with an emphasis on family accommodation. Local Plan Policy HO11 requires that design and quality of all new housing, including new build, is of a high standard and will meet the needs of future occupants and respect the principles of good neighbourliness. This is supported by the housing standards within Key Principles HS1, HS2, and HS3 of the Council's SPD, which sets minimum floor areas and internal room sizes for new residential development. In either case, any development would still need to comply with the London Plan minimum standards which supersede those within the Local Plan.
- 5.2 Policy D6 of London Plan (2021) states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Dwellings must provide a minimum amount of gross internal floor area and built-in storage area. The proposed dwellinghouse would also need to meet the relevant standards set out in the Mayor's Housing Supplementary Planning Guidance (SPG), the DCLG's Nationally Described Space Standards and Key Principle HS2.
- 5.3 The proposals include the following minimum GIA unit sizes:

- Unit 1A: 4-bed, 7 Person, 3 Storey: 209sqm - complies 121sqm minimum
- Unit 1B: 4-bed, 7 Person, 3 Storey: 206sqm - complies 121sqm minimum
- Unit 1C: 3-bed, 5 Persons, 3 Storey: 197sqm - complies 99sqm minimum

5.4 All the units exceed the minimum floorspace requirements as detailed in Table 3.1, Policy D6 of the London Plan (2021) and Key Principle HS2 of the Planning Guidance SPD. The proposal also includes more than 3sqm of built-in storage for each dwelling.

5.5 Room sizes within the unit and their compliance with Key Principle HS3 are detailed below:

Table 1: Proposed Room Sizes (sqm)

	Unit 1A	Unit 1B	Unit 1C
Living Room (min 15sqm)	15.2	12.2	13.0
Kitchen/Diner	25.4	23.4	29.1
Main Bedroom	18.8	23.7	21.7
Main Bathroom	5.6	4.8	5.1
Double Bedroom 2	17.9	16.4	14.9
Double Bedroom 3	12.1	16.8	8.5
Single Bedrooms 4	17.2	16.0	N/A

5.6 With the exception of the 2 drawing rooms which appear to function as living rooms in 1B and 1C, all the rooms meet minimum standards as outlined in Key Principle HS3. Notably, all three dwellings include a generous secondary “cinema” room at basement level that would provide additional living space for lounging and entertainment. Overall, in this case, it is considered that the proposed new dwellings would provide sufficient internal space to provide a suitable standard of amenity for future occupiers.

5.7 The London Plan (2021) Policy D6 (F), Subsection 9 provides guidance for private amenity space in new dwellings. The supporting text recognises that private open space is highly valued and that a minimum of 5 square metres of private outdoor space should be provided in new developments for 1-2 person dwellings, with a minimum depth and width of 1.5m. Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to

meet the needs of occupiers and users, appropriate to the type of housing being provided.

- 5.8 The proposal includes approximately 23-31sqm of external amenity space for each of the units within private rear gardens. The proposals would provide suitable amenity space for each dwelling in accordance with London Plan Policy D6 and Local Plan HO11 and SPD Key Principle HS1.

Outlook and Daylight to Habitable Rooms

- 5.9 The London Plan, the Mayor's Housing SPG Standards 29 and 32 and Planning Guidance SPD Key Principle HS2 state that developments should minimise the number of single aspect dwellings, and single aspect dwellings that are north facing should be avoided. SPD Key Principle HS2 defines "north facing" as "where the orientation is less than 50 degrees either side of north." The supporting text (Paragraph 3.7) further points out that in respect of aspect, the reception of sunlight is important to the quality of life and therefore in designing new buildings the ability for at least one habitable room to receive sunlight should be priority.
- 5.10 The proposal would be dual aspect with windows and rooflights across the southwest and northeast elevations. Aside from one bedroom in each unit within the front portion of the loft level, which would feature rooflights instead of a window, all the habitable rooms within the units would benefit from windows which would appear to provide suitable levels of daylight and outlook.
- 5.11 The London Plan (2021) Policy D6 and SPD Key Principle HS2 stipulate that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of a dwelling.
- 5.12 All the dwellings would meet the minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of a dwelling. The proposals would accord with London Plan Policy D6.

Noise and Disturbance

- 5.13 Policies HO11, CC11 and CC13 of the Local Plan (2018) relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties.
- 5.14 To a safeguard the amenity of future occupiers, a condition would be attached to ensure that the noise level in rooms at the development do not exceed maximum noise standards for internal rooms and external amenity areas. Subject to this

condition the development accords with Policies HO11, CC11 and CC13 of the Local Plan (2018).

- 5.15 Overall, it is considered that the proposed scheme would provide suitable standards of accommodation as housing units within the borough. This would accord with Local Plan Policies HO4 and HO11, London Plan Policy D6, the Mayor's Housing Design Standards LPG and the Nationally Described Space Standards (Technical Housing Standard).

Secured by Design

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

Fire Safety

- 5.19 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.
- 5.20 Paragraph 3.12.2 of the London Plan specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.
- 5.21 Pursuant to London Plan Policy D12, the submission of a Fire Statement is not a requirement for minor development proposals. In the interests of fire safety and to ensure the safety of all building users, the application has included a Fire Safety Strategy which outlines fire safety measures such as means of escape, mitigations for reducing a fire spread, inclusion of dry risers, hydrant location etc. This has been conditioned to ensure the Fire Safety Strategy is adhered to in perpetuity. Given the nature of the proposal, officers are satisfied that this consideration is satisfactory in line with London Plan Policy D12, Part A.

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

6. DESIGN, CHARACTER AND APPEARANCE

- 6.1 The NPPF recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.2 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".
- 6.3 Policy DC1 of the Local Plan (2018) requires that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 6.4 Policy DC2 requires that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. The Policy sets out a number of criteria that all proposals should meet, including:
- a) the historical context and townscape setting of the site, and its sense of place;
 - b) the scale, mass, form and grain of surrounding development and connections to it;
 - c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
 - d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
 - e) good neighbourliness and the principles of residential amenity;

Heritage Impacts

- 6.5 The NPPF states that development should be 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). The NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF also seeks to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 125 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 6.6 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. Section 72 of the Act is relevant to consideration of these applications. In determining applications, Paragraph 208 of the NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.7 Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.8 The NPPF makes a clear distinction between the approach to be taken in decision-making where a 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).
- 6.9 The NPPF also makes a clear distinction between the approach to be taken in decision-making where a proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.

- 6.10 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.11 Policy DC8 also seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas. When determining applications affecting heritage assets, particular regard will be given to matters of scale, height, massing, alignment, materials and use.
- 6.12 Key Principle BM2 states that development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artifacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit unless:
1. (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
 - (b) The proposed development would outweigh the loss or harm to the significance of the non-designated heritage asset; and
 - (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
 - (d) The existing building or structure has been fully recorded; and
2. In the case of artifacts, they cannot practicably be retained in situ or, failing that, retained for re-use elsewhere within the site.
- 6.13 Key Principle CAG1 describes how the mixture of uses within a conservation area is a component of character and often reinforces the role and quality of its individual buildings and local townscape. The impact of changing the balance of uses on that character must be carefully considered. Where new uses are proposed, they should be configured and accommodated in a manner that is consistent with the character of the conservation area and its architectural form, scale and features.
- 6.14 Key Principle CAG2 goes on to state that new development should contribute positively to the townscape and visual quality of the area and achieve a harmonious relationship with its neighbours to preserve or enhance the character and appearance of the conservation area. A successful design will take account of the characteristics of setting, urban grain, key townscape features, architectural details, landscape features, views, landmarks of the conservation area.

- 6.15 The application proposes the demolition of a Building of Merit located within the Central Fulham Conservation Area. The property is two storeys with a front gable to one bay and a pitched roof. It is simply designed in yellow stock brick with metal windows and soldier courses above the window openings. There is a single storey 'lean to' adjacent to the front boundary and an integral garage accessed from the public highway via a crossover with cobble stones. The Building of Merit would be replaced with three traditionally designed two storey houses with basements and living accommodation in the roofspace that seek to replicate the form, height, mass, front building line and detailed design of the adjacent Victorian properties when viewed from the street. Such a development would reflect the prevailing character of the Conservation Area.
- 6.16 There is relatively little information currently available on the significance of the Building of Merit. Historic maps suggest that there was a building on the site in the 1890s, potentially a commercial or industrial use. However, the building footprint has changed significantly over time, and it is unclear as to whether the current building is the same one that was on the site in the 1890s.
- 6.17 In response to feedback received at the pre-application stage, the applicant has submitted a Heritage Impact Statement outlining the history of the Building of Merit and assessing its significance. An 1894 Ordnance Survey Map shows a small structure in the rear garden of 724 Fulham Road which corresponds to a remnant part of 1A Durrell Road. Given the pattern of nearby development at this time, this building is likely to have been a stable or ancillary accommodation for the larger houses fronting Fulham Road.
- 6.18 The 1951 Ordnance Survey Map shows the building as having been substantially extended. The Heritage Impact Assessment concludes that the building, as it exists today, appears to be a hybrid of an older, perhaps coach house that dates to the end of the 19th century but entirely altered, with a large extension to the southeast which terminates with a brick gable. It is likely that at this time the whole elevation appears to have been given an inter-war appearance with 'Crittall' style, metal framed windows.
- 6.19 The northwest portion of the existing building corresponds with the building footprint on the 1894 Ordnance Survey Map, including the slight step in the front elevation. The high brick wall with piers at the front suggests there may have been a garage or coach entrance, which is now blocked. However, internally this space is now a kitchen and externally all stylistic reference to that time has been lost. To the rear, the whole of the older and extended building has an entirely blank façade to the rear garden and there is now also a flat roofed rear extension dated to 1981, of no architectural interest.

- 6.20 The Heritage Impact Assessment notes that archival research at the Hammersmith Local History Centre revealed very little additional information about the building. The archive has revealed that the house was occupied by Eric Warburg and his two wives for nearly 50 years; however, there is no evidence that this contributed to any particular historic or associative interest in the building. The archive also contains a number of street photographs dated July 1974 which show the house in its current context: largely un-changed except for the presence of what appears to be a prefab house on land now used for garages, to the north.
- 6.21 Whilst 1A Durrell Road has an element of historical interest, as shown from the historic maps, its inter-war extensions have completely altered both its character and appearance to the extent that it currently bears little relationship with either the earlier development of the area, or the more prevalent late 19th/early 20th century development. The result is a building that is stylistically out of place and with little architectural cohesiveness. The blocked-in entrance at the northwest end provides an awkward blank elevation to the street and the majority of building is single-aspect with a large blank two-storey elevation to the rear. Other than from historic maps, its original function cannot be discerned from the remaining building and neither the inter-war or post-war extensions are of any architectural quality.
- 6.22 The Council's Design & Conservation officer has reviewed the Heritage Impact Assessment and accepts its findings that, in architectural terms, it is considered to make a neutral contribution to the townscape. It is very much a 'one off' in terms of its design and materials and does not relate particularly well to the architecture or character of the surrounding Victorian properties. In particular, the front building line projects beyond that of the attached adjacent Victorian terrace which creates an unsightly junction between properties and exposes a flank wall condition. Likewise, the eaves of the building do not align with the height of the eaves of the adjacent Victorian terrace.
- 6.23 Following several revisions to the scheme during both the pre-application and current application stages, the Council's Design & Conservation officer has raised no objection to the demolition of the Building of Merit and its proposed replacement buildings, subject to a condition requiring the submission and approval of a signed Building Contract for the erection of the replacement buildings in accordance with the planning permission, prior to the commencement of any demolition works. In the absence of such guarantees, the demolition of the existing building would not be acceptable, as otherwise this could result in premature demolition and an unsightly gap in the streetscene.
- 6.24 Given the existing building's lack of architectural significance and limited local historic significance, it is considered that the proposed development, which would result in three new family-sized dwellings – a housing type for which there is an

established need and the high quality of their design in the streetscene - would outweigh the loss of the non-designated heritage asset and the less than substantial harm to the significance of the Conservation Area. Moreover, the building has been substantially altered over time to the extent that it cannot practicably be adapted to retain any historic interest that the building or structure possesses. As such, subject to a condition requiring the existing building being fully recorded prior to its demolition, the proposal is considered to be acceptable and would comply with Key Principle BM2.

- 6.25 Great weight has been given to the preservation of the character and appearance of the Conservation Area as required by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the conservation of the significance of the designated heritage asset as set out in para 212 of the NPPF. On balance, the proposal represents a sensitive design response to the surrounding built environment that would optimise the use of a previously developed site and improve the current visual relationship with adjoining sites. As such, the proposed development is in accordance with the NPPF, London Plan Policies D3 and D5, and Local Plan Policies DC1, DC2 and DC8.

Basements and Lightwells

- 6.26 The application proposes basements within the proposed dwellinghouses to provide additional floorspace, including the provision of front and rear lightwells. Similar basement excavations have been approved at nearby neighbouring properties, notably at Nos. 1 (Ref: 2017/02149/FUL) and 3 (Ref. 2017/02146/FUL).
- 6.27 Policy DC11 of the Local Plan (2018) is applicable to proposals for new basements and extensions to existing basements. This specifies that typically, basements will only be permitted where they:
- (a) Do not extend into or underneath the garden further than 50% of the depth of the host building (as measured from the main rear elevation);*
- 6.28 The excavation would be predominantly contained beneath the footprint of the properties, with the exception of the lightwells into the front and rear gardens. When measured from the main rear elevation, the proposed basements would extend 1m under the rear gardens and, therefore, do not extend into the gardens further than 50% of the depth of the host buildings.
- (b) Do not extend into or underneath the garden further than 50% of the depth of the garden;*

6.29 The rear gardens measure approximately 6m in length and the proposed rear lightwells would project 1m from the rear elevations. The front gardens measure approximately 2.3m in length and the proposed front lightwells would project 0.8m from the front elevations. The basements would therefore not extend into or underneath the gardens further than 50% of the depth of the gardens.

(c) Are set back from neighbouring property boundaries where it extends beyond the footprint of the host building;

6.30 The proposed lightwells beyond the footprint of the host buildings would be set in from the neighbouring property boundaries by between 0.45m and 1.4m. This separation would ensure that suitable potential is retained for planting and that the basements would not overly develop the garden area.

(d) Do not comprise more than one storey;

6.31 The proposed basements would be single-storey.

(e) Do not have an unacceptable impact upon the amenity of adjoining properties or the local, natural and historic environment during and post construction;

6.32 A Construction Method Statement, prepared by a qualified structural engineer has been submitted as part of the application. Furthermore, given the overall scale and design of the basements, it is considered that the proposed basement excavation works would not result in unacceptable impact to the local, natural or historic environment.

(f) Are designed to minimise flood risk (from all sources of flooding) to the property and neighbouring properties;

6.33 The applicant has submitted a flood risk assessment and/or SuDs report as part of this application. The Council's Environmental Policy team have raised no objection, subject to this document being adhered to. On this basis the proposal would not result in an unacceptable impact upon flood risk. Further comments are set out within the flood risk section of this report.

(g) Include a minimum of 1m of soil above any part of the basement beneath a garden;

6.34 Given the need for the rear and front lightwells to be open at ground level, the requirement for 1m of soil above these areas would not be practical. Furthermore, given the limited projection of these elements and the presence of existing hardstanding within the front garden, it is considered that they would not unacceptably impact upon the ability to sustain vegetation on the site or beyond the boundary.

- (h) *Ensure that the basement helps reduce the volume and flow of surface water run-off through appropriate use of SuDs and will provide active drainage devices to minimise the risk of sewer flooding;*
- 6.35 The applicant has submitted a flood risk assessment and/or SuDs report as part of this application. The Council's Environmental Policy team have raised no objection, subject to this document being adhered to. Further comments are set out within the flood risk section of this report.
- (i) *Ensure that lightwells at the front or side of the property are as discreet as possible and allow the scale, character and appearance of the property and locality to remain largely unchanged;*
- 6.36 The Council's Supplementary Planning Guidelines requires that front lightwells not exceed 800mm from front to back; reflect the shape of and be limited to the width of, the existing bay window; and that more than 50% of the existing front garden area be retained. The proposed front lightwells would measure 800mm front to back, following the model design for angled bays as set out in Key Principle BL1 of the Planning Guidance SPD. These lightwells would be covered with horizontal metal grilles. Therefore, it is considered these would be sympathetic to the host dwellings and in keeping with the mix of lightwell designs in the area.
- 6.37 To the rear, aluminium framed sliding doors are proposed. These would match the size and scale of the ground floor rear elevation windows and would be aligned with these fenestration treatments. To the front elevations of the basement a new timber framed single door and timber framed window will be installed. The design and materials would match the rest of the opening, and the new windows will be aligned with the ground floor windows above.
- (j) *Are designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure;*
- 6.38 A Construction Method Statement (CMS) has been provided. The CMS illustrates that the basement development is designed to safeguard the structural stability of nearby buildings and other infrastructure.
- (k) *Provide a Construction Method Statement (CMS) carried out by a qualified structural or civil engineer as part of any planning application;*
- 6.39 A Construction Method Statement (CMS) has been provided. This was prepared by a qualified structural engineer and demonstrates that the works will be carried out in a suitable manner.
- 6.40 The above comments are made without prejudice to the outcome of any necessary Party Wall agreements and / or Building Control approvals, which exist outside the remit of planning controls.

- (l) *Provide a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety.*

- 6.41 A construction traffic management plan was provided as part of the CMS. The Council's Highway Officer was consulted on the proposals and raised no concerns. On this basis it is considered the proposal would not result in an unacceptable impact on pedestrian, cycle, vehicular and road safety.
- 6.42 Overall, it is considered the proposed basements would not result in an unacceptable impact on the amenities of neighbouring residential properties or the visual amenities of the surrounding area/and would preserve the character of the Conservation Area. The basements would also be acceptable in terms of structural stability, flood risk and highways impacts. Therefore, the basements are compliant with the aims of Policy DC11 of the Local Plan (2018) and Key Principles BL1, BL2 and BL3.
- 6.43 On balance, and for the reasons explained above, Officers consider that the proposed scheme will be a significant and welcome improvement on the condition of the existing property and will enhance the character and appearance of the conservation area. Moreover, Officers have no objection to the proposed demolition of the existing building since it is not of any significance. The development has been designed to a high standard, in particular when compared to the existing building to be replaced. As such, it is considered that the proposal would comply with Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF (2024) and Policies DC1, DC2, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1, BL2, BL3, BM2, CAG1 and CAG2 of the Planning Guidance SPD (2018).

7. RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

[7.2 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.](#)

Outlook/Sense of Enclosure

- 7.3 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.
- 7.4 The properties most affected by the development are the lower ground floor flats at No.720 to 724 Fulham. Although the proposed development would breach a 45-degree line above 2m high on the southeast boundary, the existing building already breaches that standard. It is acknowledged that, at a height of 9.7m, the proposal would be taller than the existing building by approximately 1.6m. However, the proposal has been revised to incorporate a hipped roof on its south-eastern flank to reduce the impact on the opposing rear elevation of the flats at 720 to 724 Fulham Road. This reduced massing to a hip design rather than gabled roof, for the end-of-terrace unit (1C), helps to mitigate the impact on outlook from the rear of those neighbouring properties fronting Fulham Road. In either case based on officers on site judgement the proposals are considered acceptable in this urban setting.
- 7.5 Immediately to the north, is the rear garden of No.718 Fulham Road. The proposed development would result in modest upward projections including the rear first floor outrigger and second floor pod projections to Units 1A and 1B would project above a 45-degree notional angle as measured from the rear boundary. Officers consider that the replacement buildings would not result in a significant loss of outlook or sense of enclosure for No.718 Fulham Road.

Privacy

- 7.6 SPD Housing Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

7.7 The southeast elevation of the proposed development does not include any windows. The proposed first floor window on the north-east corner of the development would not serve a habitable area and in either case would be obscure glazed, and this is secured by condition. There are no opposing windows to the north. To the south, on the opposite of Durrell Road there is an existing residential terrace, but the proposed front elevation of the development would be no closer than existing. The proposed development includes no windows in its western flank elevation and would not therefore impact on the adjacent site at No1 Durrell Road.

7.8 Overall, the proposals accord with SPD Housing Key Principle HS7.

Noise and Disturbance

7.9 London Plan Policy D14 sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

7.10 The application site is situated within a residential area. The proposals have been considered the Council Environmental Protection Team, and they raise no objections to the proposals. The residential gardens are consistent with others in the locality and are considered unlikely to harm the existing amenities of adjoining occupiers from additional noise and disturbance. As such, the proposed development is in accordance with Policies HO11, CC11 and CC13 of the Local Plan (2018).

7.11 Regarding noise during the demolition and construction phases, conditions would be attached to secure the submission of details for management plans, to control of nuisance during these phases.

7.12 In general, the proposed residential development would not result in any undue noise impact on residential occupiers. The proposals accord with London Plan D14 and Local Plan Policies CC1 and CC13.

Daylight and Sunlight

7.13 Policy D6 of the London Plan, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes

providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity space.

- 7.14 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.
- 7.15 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly. The applicant submitted a Daylight and Sunlight Report, which was carried out in line with the BRE, which assesses the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings. The Daylight and Sunlight Report has been updated following the design alterations which reduce massing along the southeast through the inclusion of a hipped roof rather than a gable roof.

Daylight

- 7.16 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.
- 7.17 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight. However, the Guidance makes clear that these values are advisory and paragraph 2.2.1 states that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints.'
- 7.18 No Sky-Line NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working

plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. For houses, the rooms to be assessed should include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although in terms of NSL they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

- 7.19 The Average Daylight Factor (ADF) involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and considers the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. However, the BRE guide (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended' and, therefore, the report does not include an ADF assessment.
- 7.20 Officers have assessed the Daylight and Sunlight submissions which identify 121 windows which serve 8 adjacent properties and of these the most affected are at:
- 720 Fulham Road
 - 722 Fulham Road
 - 724 Fulham Road

VSC Assessment

- 7.21 Of the 121 assessed windows, all but 4 habitable rooms would retain a VSC value greater than 27% and would be reduced by more than 80% of their former values as a result of the proposal.

No 720 Fulham Road Lower Ground Floor (Window 35)

Although the existing VSC reduces from 18.3% to 12.8% which results in a retained value of 0.70 which is below the 0.8 target, the room served by that window includes three additional roof lights.

No.722 Fulham Road Lower Ground Floor (Windows 53-55)

Notably the resulting VSC for two of these windows (54 and 55) is marginally below the VSC 0.8 target at VSC 0.76 and 0.79; however, this change would be

imperceptible. However, the resulting VSC for one window (53) would be 0.59 which is below the 0.8.

- 7.22 Whilst officers acknowledge that there are some technical infringements, notably to windows 35 and 53 but it is noted that the BRE guidance is intended to be used flexibly, particularly in dense urban environments. Officers consider that the new building is comparable with the existing massing and the additional depth and height over and above the existing is modest. Overall, the proposed additional massing would have a moderate impact on daylight and sunlight experienced by the closest neighbouring property in Fulham Road, which is not uncharacteristic of the for this urban context.

Sunlight

- 7.23 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings and conservatories should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun. The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.
- 7.24 Of the 121 windows assessed, all but two (windows 36 and 37 on the lower ground floor of No.720 Fulham Road) meet the targets for annual probable sunlight hours (APSH). It is noted that these are roof lights located in a room that is also served by windows 34, 35 and 38, all of which meet the BRE guidance for direct sunlight. Officers have considered the report and concur with the conclusions that the proposal would, on balance, not have a significant impact on neighbouring properties that would be sufficient to withhold planning permission on the grounds of sunlight. Overall, the resulting technical infringements are considered modest in this urban setting.

Overshadowing

- 7.25 BRE guidelines recommend that at least 50% of the area of neighbouring amenity space should receive at least two hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

- 7.26 There are 11 amenity areas neighbouring the site which have been considered for Sun Hours on Ground analysis in accordance with the BRE Guidelines. All 11 amenity areas will retain at least 98% of their existing sunlight amenity and therefore would meet BRE guidance for Sun Hours on the Ground.

Daylight and Sunlight - Overall Conclusion

- 7.27 In terms of daylight, sunlight and overshadowing, officers consider that the habitable rooms and neighbouring gardens would, on the whole, retain sufficient access to daylight and sunlight after the development has been constructed would be acceptable having regard to London Plan Policy D6, Policies HO11, DC1 and DC2 of the Local Plan (2018), SPD Housing Key Principle HS7.

8. TRANSPORT AND HIGHWAYS

- 8.1 Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.
- 8.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 8.3 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.
- 8.4 The above policies are supported by Key Principles TR1, TR4, TR7, TR21 and TR27 of the 'Planning Guidance' SPD (2018).
- 8.5 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Car Parking

- 8.6 The site has a PTAL of 3, meaning it has good access to public transport. According to Policy T4 of the Local Plan (2018), the council will only consider issuing of permits for on street parking in locations where the PTAL level is considered 2 or lower (TfL's public transport accessibility level). The PTAL

calculator represents the best available tool for calculating public transport accessibility, as such this is the primary method for determining car permit free developments. The site lies within a Controlled Parking Zone. Therefore, to be in accordance with the Local Plan (2018) Policy T4 and The London Plan (2021), the proposed new units must be made car permit free for on-street parking, save for blue badge holders for disabled parking. This would also help reduce poor localised air quality and improve highways safety and condition. This is to be secured through the signing of a Unilateral Undertaking (UU) by the applicant.

- 8.7 The proposal involves the elimination of an off-street parking space within the existing garage, as well as the vehicle crossover providing access to the garage which, in turn, will add one publicly accessible on-street parking space. The removal of the vehicle crossover and reconstruction of the adjacent public footpath will be at the developer's expense and will be secured through a s278 agreement. On this basis, the proposal is not considered to have an unacceptable impact upon the public highway.

Cycle Parking

- 8.8 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, with the following standards for residential accommodation:

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

- 8.9 The development would require the provision of covered, safe and secure storage for 6 bicycles. The proposed plans indicate that each dwelling would include a cycle store within the proposed rear garden area. The submitted Design & Access Statement also confirms that provision for 2 cycle storage spaces can be made for each dwellinghouse. The provision of the required cycle stores will be secured by way of planning condition. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan.

Refuse, Recycling and Servicing

- 8.10 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers. Refuse and recycling facilities have been indicated on the proposed plans within proposed front garden area. The provision of such arrangements is therefore to be secured by condition.

Footway Improvements

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

Demolition and Construction Logistics Plan

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

9. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

- 9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused 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 Risk Zone 3 indicating a medium risk of flooding from the Thames. However, it is well protected by flood defences such as the Thames Barrier and local river walls. As required, a Flood Risk Assessment has been submitted with the application and it assesses flood risk from all relevant sources as required, including surface water, reservoirs, groundwater and sewers. The FRA concludes flood from all sources to be very low to low, with the exception of groundwater which is concluded to be very high. This accords with the information in the Council's SFRA and SWMP, which notes that the area is at elevated groundwater flooding risk.
- 9.5 The Council's Environmental Policy – Flood Prevention Team have reviewed the FRA and raised no objection subject to conditions to secure the implementation of the flood resilience and water efficiency measures, including the installation of a green roof, permeable paving, basement waterproofing, return valves and water butts, as outlined in the FRA and to finalise the role of infiltration in managing surface water. Subject to these conditions the scheme is considered to be acceptable on flood risk grounds.
- 9.6 Therefore, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

Sustainability / Climate Change

- 9.7 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 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. Policies CC2 and OS5 of the Local Plan (2018) encourage the enhancement of biodiversity and green infrastructure

and the integration of sustainable design and construction measures all developments, where feasible.

- 9.8 An Energy and Sustainability Statement has been included to support the application which assesses the performance of the proposed development using the procedures set out in 'Energy Assessment Guidance – Greater London Authority guidance on preparing energy assessments (June 2022)' and applies the Mayor's Energy Hierarchy from the London Plan. Passive sustainability measures have been included in the design to increase the energy performance of the development such as in the building fabric, cross natural ventilation, cooling and heating abilities, etc.
- 9.9 The proposal includes zero emission air source heat pumps which will include an air purification function to filter out airborne particles that can pose serious health risks. The proposal also includes solar panels installed on the flat portion of the mansard roofs, water butts and water-efficient fixtures which will help achieve the Council's sustainability goals in terms of climate change, sustainable drainage and renewable energy generation. The quality and durability of materials will be such to ensure the longevity of the newly-built house and reflective of the existing architecture of the neighbourhood. These measures would achieve a 60% reduction in regulated carbon emissions against baseline figures (target emissions rate). Details can be conditioned to ensure these choices do not have any other implications on other aspects of the proposed development
- 9.10 The proposals are therefore considered acceptable with regards to London Plan Policy SI 2 and Local Plan Policy CC1.

Trees and Biodiversity Net Gain (BNG)

- 9.11 Policy OS5 of the 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;
 - f. making Tree Preservation Orders where justified in the interests of amenity.
- 9.12 These objectives are further articulated in Key Principle CAG6 of the SPD, which describes how open spaces, trees and streets make a significant contribution to the character and appearance of conservation areas.

- 9.13 The applicant has submitted an Arboricultural Impact Assessment and Tree Protection Plan which indicates that there are two small Elder trees on the subject property proposed for removal to facilitate the development, one Pillar Crab Apple tree along the street in front of the subject property to be retained and protected, and one Walnut tree within the rear garden of the adjacent property at No.718 Fulham Road whose root protection zone has the potential to be impacted by the proposed cycle store in the rear garden of proposed Unit 1A. The report also notes that the rear garden of No.718 Fulham Road contains Pyracantha and Oleander hedges along the shared boundary with the subject property. Whilst this vegetation softens views of the site and provides a vegetated buffer, the report acknowledges that this hedge is not afforded tree protection status.
- 9.14 The report also acknowledges that a large palm (technically a grass, and not a tree) and one large False Acacia tree have both been felled within the rear garden of the subject property within the last few years without the benefit of tree removal permits. Aerial photographs clearly show that the large False Acacia tree, in particular, provided substantial vegetative cover and would have contributed substantially to the character of the surrounding conservation area. The Arboricultural Impact Assessment has valued the removed False Acacia at £13,145 according to the CAVAT (Capital Asset Value for Amenity Trees) Full method. The CAVAT Full Method is a detailed process for assessing the monetary value of individual trees, particularly in conjunction with development proposals. It involves five main steps that adjust a base value based on various factors including the tree's size, location, functional status, amenity factors, and estimated safe life expectancy.
- 9.15 The proposal is required to deliver a 10% gain on biodiversity relative to the pre-development value of the habitat present on-site.
- 9.16 The proposal includes three new trees in the rear gardens of the proposed dwellinghouses which would enable the development to exceed the 10% BNG requirement; however, according to BNG guidance (page 51, The Statutory Biodiversity Metric) trees planted in private gardens cannot be legally secured, as the owner has the right to remove them, notwithstanding any future Tree Protection Orders. In the absence of these three trees, the BNG calculation would be -18%, which is well below the minimum gain.
- 9.17 The Council's Arboricultural and Ecology officers have reviewed the report and have raised no objections to the proposal, subject to conditions that all works are conducted in accordance with the approved tree protection plan, that the replacement trees be maintained within the rear gardens, and that a financial contribution be secured through a legal agreement for the planting of an off-site replacement tree for the felled False Acacia tree.

Contamination

- 9.18 Policy 5.21 of the London Plan and Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.
- 9.19 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are to be attached covering the assessment and remediation of contaminated land.
- 9.120 Subject to conditions the proposed scheme would accord with Policy CC9 of the Local Plan.

Air Quality

- 9.21 Policy CC10 of the Local Plan specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this. The application site is located within the borough wide Air Quality Management Area (AQMA). The site is in an area of poor air quality due to the road traffic emissions from Fulham Road (A304).
- 9.22 The Council's Air Quality Team were consulted on this application and raised no objection, subject to conditions to secure Demolition and Construction Air Quality Dust Management Plans, Ventilation Strategy, Indoor Air Quality, Zero Emission Heating compliance, Waste Water Heat Recovery System (WWHRS).
- 9.23 Subject to these conditions, officers accept the proposals would comply with Policy CC10 of the Local Plan.

10. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS

Mayoral and Local CIL

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

10.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule formally took effect from 1st September 2015. This development is liable for an estimated CIL of approximately £TBC (plus indexation).

S106 Heads of Terms

10.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

10.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

10.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms which are the Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

10.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and reasonably commensurate the scale and type of development proposed. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs and impacts of the proposed development.

10.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

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

- 1) Restriction of on-street car parking permits in borough CPZs save for blue badge holders (disabled parking);
- 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to the footway and crossover on Durrell Road;
- 3) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process (£3,000 per annum);
- 4) AQDMP Compliance monitoring of £5000 per annum of the demolition and construction phases of the development;
- 5) Contribution of £13,145 towards local tree planting;
- 6) A commitment to meet the costs of the Council's associated legal fees.

11. CONCLUSION

- 11.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 11.3 In summary, the proposals would contribute towards an identified housing need and local housing target on previously developed land suitable for residential infill development that would be compatible with the land uses in the surrounding area, which is characterised primarily by residential uses in single dwellinghouses and flats.
- 11.4 The proposal is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the surroundings. The loss of the Building of Merit has been fully justified and the resulting harm to the significance of the Conservation Area would be outweighed by public benefits including the high quality of design of the replacement buildings and the delivery of new residential units. Subject to conditions, the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and

sustainability, flood risk, air quality, land contamination and ecology have also been satisfactorily addressed and will be subject to conditions/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the 'Planning Guidance' (2018) and 'Climate Change' (2023) Supplementary Planning Documents.

11.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

11.6 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

12. RECOMMENDATION

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

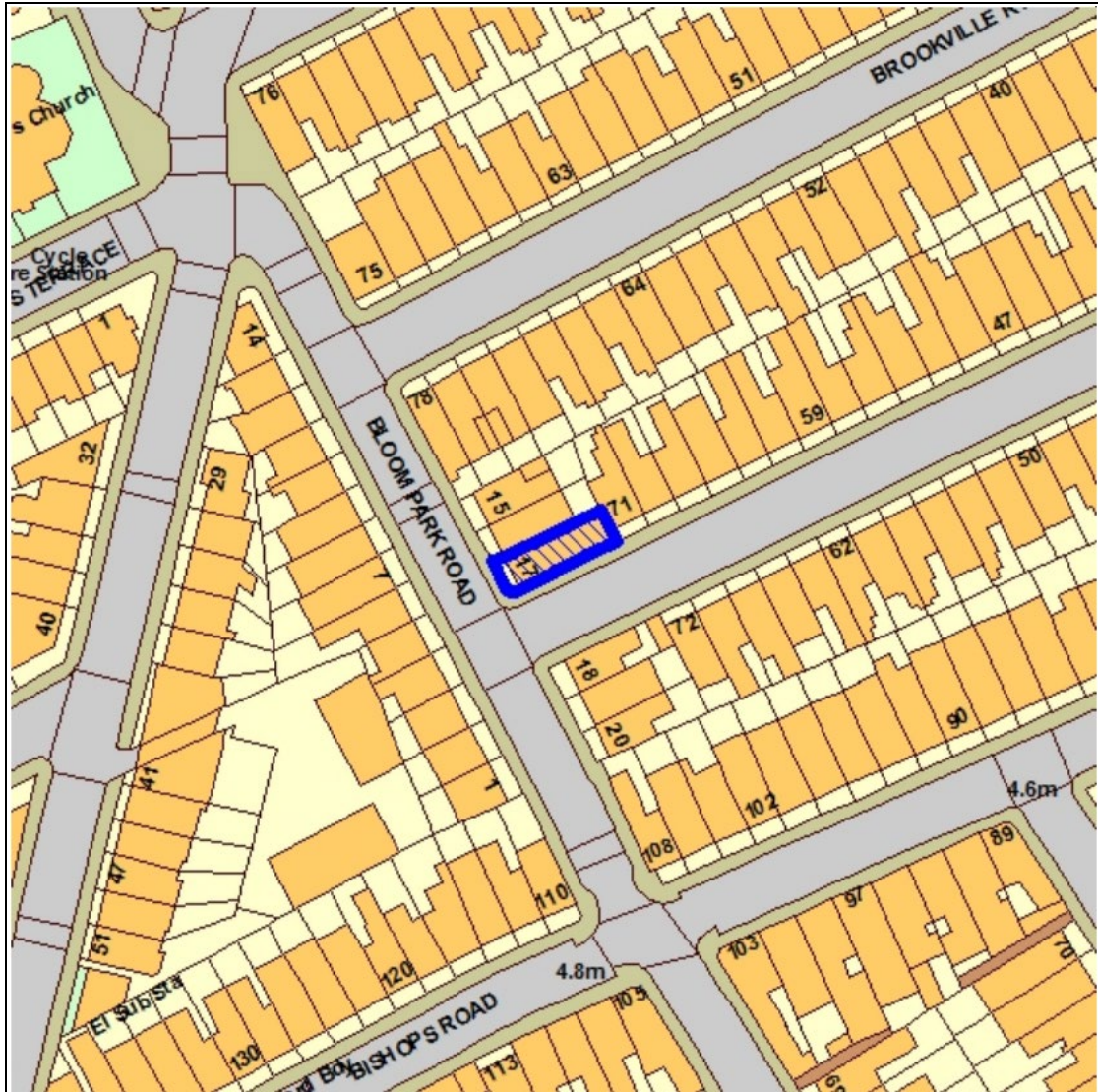
Agenda Item 8

Ward: Munster

Expiry Date: 12th August 2024

Site Address:

17 Bloom Park Road London SW6 7BQ



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For identification purposes only - do not scale.

Reg. No:

2025/01838/FUL

Date valid:

08.07.2025

Committee Date:

16.09.2025

Case Officer:

Christopher May

Conservation Area:

Constraint Name: Central Fulham
Conservation Area - Number 29

Applicant:

Ms Rebecca Burrell
17 Bloom Park Road
London

Description:

Erection of a rear roof extension including the formation of a hip to gable roof extension; installation of 3 No rooflights in the front roofslope.

Dwg Nos: 106(P); 107(P); 108(P); 109(P); 110(P); 111(P).

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Reason(s) for Refusal:

- 1) The proposed development is considered unacceptable on visual amenity grounds. Specifically, the proposed hip-to-gable roof extension and rear roof extension, by reason of its siting, height, bulk and mass, would represent a visually prominent and incongruous development that is overly dominant, discordant, and out of character with the established form of roof level development along the host terrace. This would be harmful to its character and the Bloom Park Road and Marville Road street scenes, which all retain prominent hipped roofscapes; and as such the proposals would result in less than substantial harm to and fail to preserve the character of the Central Fulham Conservation Area. In this regard, the proposal is considered to be contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DC1, DC4 and DC8 of the LBHF Local Plan (2018) and Key Principle CAG3 of the Planning Guidance Supplementary Planning Document (2018).

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

All background papers held by Case Officer named above:

Application form received: 8th July 2025
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:

Urban Design & Conservation

Dated:

14.07.2025

Neighbour Comments:

Letters from:

5 Bloom Park Road

Dated:

04.08.2025

1. SITE DESCRIPTION AND HISTORY

- 1.1 This application relates to a two-storey, end-of-terrace dwelling located on the northwest corner of Bloom Park Road and Marville Road. The surrounding area is predominantly residential and consists of late Victorian terraced dwellings.
- 1.2 The site is located within the Central Fulham Conservation Area but is neither listed or a Building of Merit. The site is situated within the Environmental Agency's designated Flood Risk Zone 2.

Relevant Planning History

- 1.4 In 2020, planning permission 2020/01604/FUL – Installation of French doors with a Juliet balcony to replace the existing door at first floor level to the rear elevation; installation of new doors to replace the existing door at ground floor level to the rear elevation; removal of the rear garage roof.
- 1.5 In June 2024, planning permission 2024/01601/FUL was refused for a proposal that included the erection of a rear roof extension including the formation of a hip to gable roof extension involving an increase in the ridge height by 300mm. The proposals also included erection of a rear extension at second floor level, over part of the existing back addition; removal of part of the remaining pitched roof of the existing back addition at second floor level to form a roof terrace, enclosed with a 1.7-metre-high obscured glazed screen and installation of 2 rooflights in the front roofslope. The application was refused on the following grounds: -
 - 1) The proposal would be harmful to the character and appearance of the host building, the terrace group and the wider area. The hip-to gable extension along with the increase to the ridge height would result in an incongruous and unsympathetic addition to the host property. Furthermore, the depth and extent of the proposed terrace 2024/01601/FUL screening would be overly dominant on the roof and out of character with the established form and roofscape of the wider terrace. In general, the proposal would constitute an inappropriate, visually jarring

and discordant type of development which is contrary to Policies DC1 and DC4 of the Local Plan (2018).

2) The proposed hip-to-gable roof extension, in combination with the proposed raised roof ridge and rear roof extension is considered to be unacceptable in the interests of residential amenity. More particularly, the proposed extensions by reason of their scale, bulk and elevated position would result in an overbearing form of development to cause an increase sense of enclosure, and loss of outlook for the nearby occupiers at Nos. 130, 132 and 134 Stephendale Road. The proposal is therefore considered to be unneighbourly and contrary to Policy HO11 of the Local Plan (2018) and Key Principle HS6 of the Planning Guidance SPD (2018).

- 1.6 In June 2025, the subsequent appeal against the refusal 2024/01601/FUL was dismissed by the Planning Inspectorate.

2. PUBLICITY AND CONSULTATION

Public Consultation

- 2.1 The application was publicised by site and press notices. Individual notification letters were also sent to 16 neighbouring properties. In Response, 1 objection letter was received which raised the following summary representations: -

- Vertical roof extension would not be in keeping with neighbouring buildings or surrounding conservation area
- Loss of privacy

- 2.2 The material planning considerations raised above are considered in the relevant section of this report.

3. POLICY CONTEXT

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

National Planning Policy Framework (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated 2024) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan (2021)

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

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2024), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) include:
 - 1) design, character and appearance; and
 - 2) residential amenity.

4. DESIGN, AND HERITAGE

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

- 4.2 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) (which includes the planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.3 Paragraph 212 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.4 Paragraph 215 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.5 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".
- 4.6 Local Plan Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.
- 4.7 Policy DC4 of the Local Plan states that the Council will require a high standard of design in all alterations and extensions to existing buildings. In particular, design in all alterations and extensions should be: - compatible with the scale and character of existing development, neighbouring properties and their setting; - successfully integrated into the architectural design of the existing building; and - subservient and should never dominate the parent building in bulk, scale, materials or design.
- 4.8 Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest.
- 4.9 As previously mentioned, the site is located within the Central Fulham Conservation Area. Therefore, given its roof top location on a corner property, the

proposal would be visually prominent from views in the Marville and Bloom Park Road street scenes as well as the Conservation Area.

Central Fulham area

- 4.10 The Central Fulham conservation area was designated in April 1989 and has been subject of review and amendments since this time. The area is a predominantly residential area that is typified by mid to late 19th century terraced houses, mainly of gault brick construction. The Conservation Area displays a mixture of some detached houses and villas, alongside variations on the decorative elements throughout which include ornate balustrades, stucco, red brick, and moulded brick decorations. This section of the conservation area feature well preserved modestly scaled and well detailed Victorian houses in the streets between Filmer Road and Homestead Road. The application site forms part of a terrace of three dwellings located on the eastern side of Bloom Park Road. The flank elevation of the house is located on the back edge of pavement in Marville Road and the side roofslope is hipped.
- 4.11 The proposal would involve the erection of a rear roof extension to the main roof of the application property and would include the formation of a side hip-to-gable roof extension, as well as the insertion of 3 rooflights on the front roof slope.
- 4.12 Hipped roofs at the end of terraces are a characteristic feature of the area, designed to ensure that the side of the properties do not appear more dominant than the pitched roofs of front elevations and to provide visual relief to the pedestrian experience in what are tight terraced streets. In this case, there are four corner properties nearby at Nos. 18 Bloom Park Road, 75 Rosaville Road and Nos 75 and 76 Brookville Road; all of these properties have existing hip roofs. Together with application site, No.18 Bloom Park Road on the opposite corner provide a framed entrance onto Marville Road. Similarly, the hipped roofs of at Nos75 and 76 Brookville Road for an entrance for that road and long views from Marville Road onto Bloom Park Road.

Photos: Neighbouring properties with existing hipped roofs



76 Brookville Road (50m)



18 Bloom Park



75 Brookville Road (28m)



76 Rosaville Road (78m)

4.14 The Council attaches significant weight to the corresponding end-of-terrace properties within the immediate vicinity. In this instance, the subject end-of-terrace property's front and side elevation are visible along the junction of Bloom Park Road and Marville Road and it forms part of symmetrical entrance to Marville Road. The removal of the hipped roof would undermine the relationship between the host building and No.18 and would be contrary to Key Principle CAG2 of the Planning Guidance SPD which states that "hip-to-gable roof extensions can undermine the symmetry of groups of properties or terraces. Where hipped roofs form part of the pattern of original development in an area their loss will be resisted." Para. 12.20 of the Local Plan further elaborates that "the design of extensions or alterations to buildings is of considerable importance, because they can change the character of individual buildings and that of an area as a whole. This is of particular concern in terraces of uniform appearance. The council recognises that there will be changing needs and requirements of occupiers, but

seeks to ensure that extensions and alterations, even the most minor ones, do not affect the inherent qualities of existing properties”.

- 4.15 The result of the extension would be a gable end which would also include the wall of the rear roof extension resulting in a flank wall of significant scale on the side boundary. As set out above this would disrupt the symmetry of the entrance to Marville Road and result in a built form of significant scale which would appear out of character in the context of the immediate street scene and the appearance of entrances to side roads within this part of the Conservation Area.
- 4.16 Within the submitted Design and Access Statement, the applicant refers to four properties elsewhere in the surrounding area which had received planning consent for hip to gable alterations. However, it should be noted that these schemes had different site contexts and specific circumstances to the proposal being considered and some were approved prior to the adoption of the current Local Plan. Notably, every application must be considered on its own merits based upon the particular context and assessed against current policy and guidance. The examples at Nos 1 and 2 Marville Road and 62 and 69 Felden Street, referred to by the applicant are not directly relevant to the current proposal.
- 4.17 Nos.1 (2016/05247/FUL, not implemented) and 2 Marville Road (2017/03107/FUL and 2022/02463/FUL) are some 200m away from the application site. Whilst No.1 Marville Road has a similar in context to the application site, that 2017 permission has expired and predates the current Local Plan 2018. Similarly, at No2 the initial 2017 planning approval predates the current Local Plan, and the subsequent 2022 approval was a renewal. There two other examples provided within the applicant's Design and Access Statement, at Nos.62 and 69 Felden Street, are also located approximately 200m away from the application property. Both of those properties, however, back onto opposing properties that include existing gabled roofs along Swift Street, which means that they are in keeping with the existing established context.
- 4.18 In June 2025, the Inspectorate dismissed an appeal (2024/01601/FUL) at No.1 Byam Street for a comparable hip-to-gable extension. The Inspector considered that “the hip to gable extension and increase in ridge height would result in the loss of the original character of the host property” and that it would be “readily apparent from the street scene and their visual impact would be accentuated by the site’s prominent position at the end of the terrace.”
- 4.19 Officers note that the Byam Street appeal site is not located within a conservation area, however, the same principles of good urban design are applicable in this instance.
- 4.20 Officers have assessed the impact of the proposals upon the character and significance of the Central Fulham conservation area and based upon due consideration of the considerations above, conclude that the proposals would result in less than substantial harm to the character and significance of this section of the conservation area. Considering the well-preserved character of hipped roofscapes within this section of the conservation area, this harm would be at the mid-range of the scale of less than substantial harm. As such, the proposed roof extensions would create an incongruous addition which fails to appear subservient to the host dwelling and would result in the loss of uniformity and balance within

the wider terrace group, the roofscape and the street scene and be harmful to the character of the Conservation Area, failing to preserve the character and appearance of the heritage asset; it is not considered that there is any heritage, or public benefits which would outweigh this harm

- 4.21 The proposal would be contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance Supplementary Planning Document (2018).
- 4.22 The proposed rooflights on the front roof slope would align with the windows on the floor below and would be of an appropriate scale. Although these elements would not be possible without the hip-to-gable, the principle of rooflights on the front elevation would be acceptable and in keeping with the appearance of the wider street.

5. RESIDENTIAL AMENITY

- 5.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 5.2 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. In this case, there are no concerns relating to daylight and sunlight or noise and disturbance; the main issues relate to outlook and privacy.

Outlook

- 5.2 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. An on-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 5.3 In this instance, the rear boundary abuts the windowless flank wall of a two-storey end of terrace No.71 Marville Road. As such, the proposal would not result in a significant increase in a sense of enclosure or overbearing impacts on the amenity of residents at this rear adjoining property.
- 5.4 Key Principle HS7 (i) states that 'Any proposed rear extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension'.
- 5.5 The adjoining property at No.15 benefits from a rear roof extension similar to that which is proposed. Furthermore, the proposed rear roof extension would be limited

to main roof level and would not project beyond the rear wall at first floor level below. As such, this extension would not result in a significant loss of light or overbearing impact upon this neighbour.

- 5.6 Overall, the proposals accord with Policy HO11 and Key Principle HS7.

Privacy

- 5.7 The 'Planning Guidance' 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.
- 5.8 No new windows would be positioned within 18m from existing habitable room windows as measured from an arc of 60 degrees.
- 5.9 Overall, the proposal accords with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

6. CONCLUSION

- 6.1 The proposed hip-to-gable and rear roof extension would represent a visually prominent and incongruous development that is overly dominant, discordant, and out of character with the established form of roof level development in this locality. The proposed extension by reason of its siting and mass would not appear subordinate to the existing building and would be harmful to its character, the Bloom Park Road and Marville Road street scenes and would fail to preserve the character of the Central Fulham Conservation Area. The proposal would be contrary to s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DC1, DC4 and DC8 of the LBHF Local Plan (2018) and Key Principle CAG3 of the Planning Guidance Supplementary Planning Document (2018).

7. RECOMMENDATION

- 7.1 The application is therefore recommended for refusal.