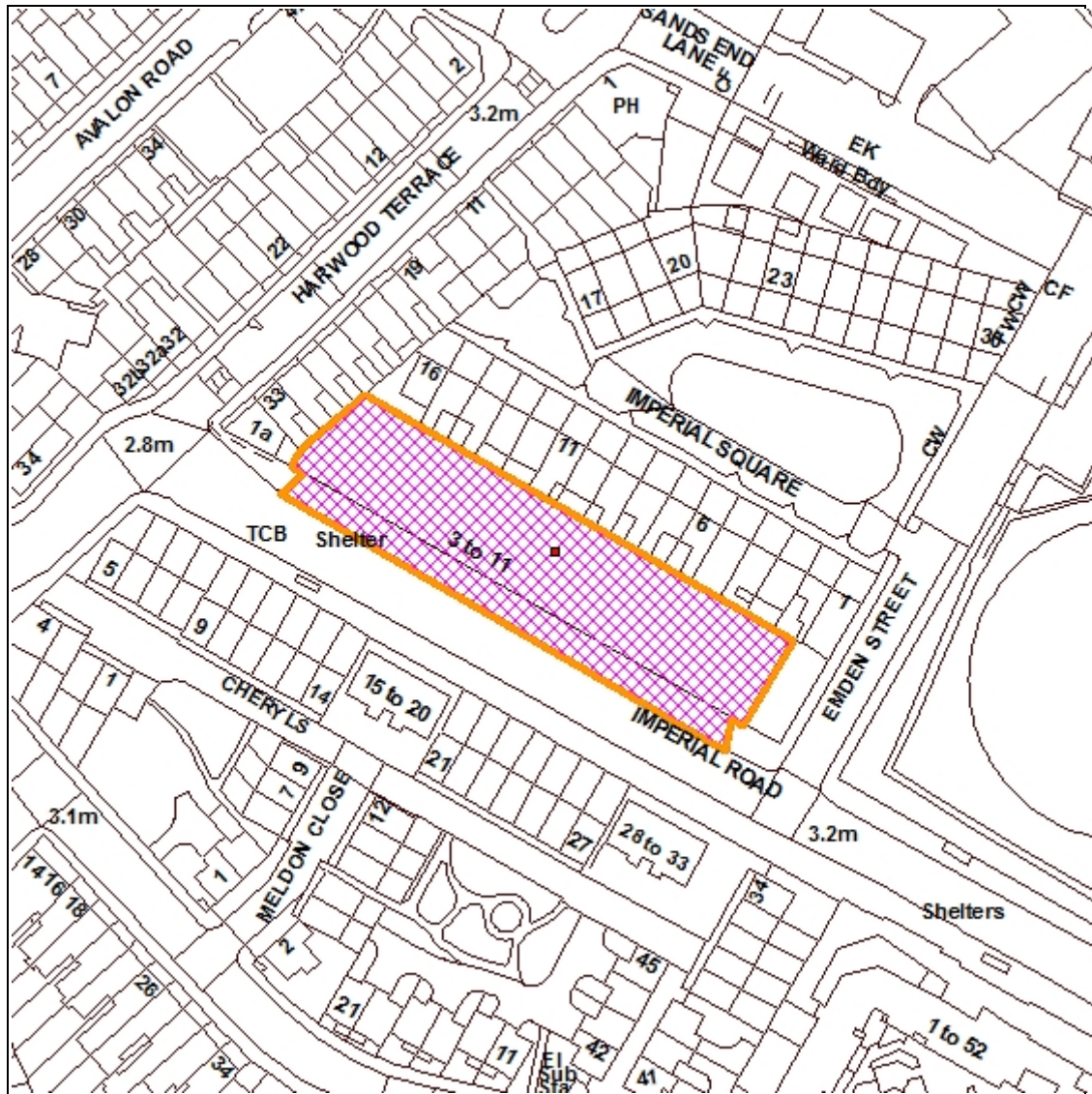


Ward: Parsons Green And Walham

Site Address:

Imperial Studios 3 - 9 Imperial Road London SW6 2AG



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For identification purposes only - do not scale.

Reg. No:
2020/02271/FUL

Case Officer:
Graham Simpson

Date Valid:
11.09.2020

Conservation Area:
Constraint Name: Imperial Square Conservation
Area - Number 6

Committee Date:
20.04.2021

Applicant:

Stonehaven Ltd
9 White Lion Street London N1 9PD

Description:

Demolition of existing building and erection of a replacement part one, part two, part three, part four storey building to provide flexible commercial floorspace for business/retail/cafe use (all Use Class E); creation of a new pavement; car parking and loading bays; landscaping; cycle parking; substation; and all associated works.

Drg Nos: IS-FCBS-ZZ-00-DR-A-2000 Rev 2; 01-DR-A-2001 Rev 2;02-DR-A-2002 Rev 2; 03-DR-A-2003 Rev 2;04-DR-A-2004 Rev 2; ZZ-DR-A-2700 Rev 2; ZZ-DR-A-2701 Rev 2;ZZ-DR-A-2800 Rev 2; ZZ-DR-A-2801 Rev 2;ZZ-DR-A-1400 Rev 2; ZZ-DR-A-1401 Rev 2; ZZ-DR-A-1402 Rev 2;Delivery and Servicing Plan dated April 2021;Energy Strategy and Sustainability Statement August 2020;

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;

That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings:

IS-FCBS-ZZ-00-DR-A-2000 Rev 2; 01-DR-A-2001 Rev 2;02-DR-A-2002 Rev 2; 03-DR-A-2003 Rev 2;04-DR-A-2004 Rev 2; ZZ-DR-A-2700 Rev 2; ZZ-DR-A-2701 Rev 2;ZZ-DR-A-2800 Rev 2; ZZ-DR-A-2801 Rev 2;ZZ-DR-A-1400 Rev 2; ZZ-DR-A-1401 Rev 2; ZZ-DR-A-1402 Rev 2

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

- 3) The development hereby approved, shall be constructed in line with the detailed technical specifications as set out within the Pell Frischmann (103837 27th August 2020) Construction Environmental Management Plan.

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

- 4) The development hereby permitted shall not commence until a detailed Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include the demolition phase of the development. Each CLP shall include the following minimum information:
- o site logistics and operations;
 - o construction vehicle routing;
 - o Details of the estimated number, size and routes of construction vehicles per day/week
 - o details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI;
 - o details of the access and egress arrangements
 - o delivery locations on the site;
 - o details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
 - o Efficiency and sustainability measures to be undertaken for the works
 - o membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CLP unless otherwise agreed in writing with the Local Planning Authority. 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 policies T1 and T6 of the Local Plan 2018.

- 5) The relevant parts of the development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of:
- a.) typical bays, to include cladding details, soffits, balustrades, entrances, brise soleils, external light installations, plant room enclosures and separate bin store;
 - b.) detailed roof plan and typical sections showing all roof surfaces and installations including the green roof, plant, rooflights, railings, hatches, flues etc;
 - c.) landscape plans and sections, planting schedules/tree specifications, hard landscaping material samples, and details of light installations; and
 - d.) plan, section and elevation at a scale of no less than 1:10 (unless agreed otherwise) of the site boundary means of enclosures, including opening and closing mechanisms
- are submitted to and approved in writing by the Council. The relevant parts of

development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form, unless otherwise agreed in writing with the local planning authority.

To ensure a satisfactory external appearance, in accordance with Policies D4 and HC1 of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan 2018.

- 6) Prior to installation of the relevant parts of the development hereby permitted, details of samples of external materials including cladding mock-up panel(s) showing all main cladding material and junctions between them, to be viewed on site, shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the locally listed building in accordance with Policies D4 and HC1 of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan 2018.

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

To ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

- 9) The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level (as presented within the XCO2 acoustic report, 14/08/2020 9.521) by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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

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

- 10) Prior to use, machinery, plant or equipment, extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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.

- 11) Prior to commencement of the development, unless otherwise agreed in writing, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

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

- 12) Unless otherwise agreed in writing, the glass installed for the commercial frontage of Imperial Road shall be clear and shall be permanently retained and not permanently obscured in any way.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 13) Prior to commencement of the relevant part of the development (excluding Enabling Works) hereby permitted, details of the proposed hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include hard surfacing materials; vertical and horizontal greening, planting schedules and details of the species, height and maturity of any trees and shrubs including sections through the planting areas, depths of tree pits, containers and shrub beds; and an implementation programme. The hard landscaping shall be implemented in accordance with the approved details prior to first occupation of the development and any soft

landscaping within the first planting season following first occupation in full accordance with the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance and shall be permanently retained in this form.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with Policies SI 2, SI 3 and G5 of the London Plan (2021) and Policy OS5 of the Local Plan 2018.

- 14) With the exception of the terrace at third floor level, no part of the flat roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development due to overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC2 and HO11 of the Local Plan 2018.

- 15) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the commercial development hereby approved, as indicated on the approved drawing no. IS-FCBS-ZZ-00-DR-A-2000 Rev 2 and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

To promote alternative, sustainable forms of transport, in accordance with Policy T5 of the London Plan (2021), and Policy T3 of the Local Plan 2018.

- 16) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing IS-FCBS-ZZ-00-DR-A-2000 Rev 2.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan 2018.

- 17) The development shall be implemented in accordance with the recommended flood mitigation measures in the Flood Risk Assessment April 2021 as hereby approved by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device (which may need to be a pumped device) shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

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

- 18) The development hereby permitted shall not be occupied until a revised Sustainable Drainage Strategy (SuDS Strategy), which details how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's prioritised SuDS measures, shall be submitted to and approved in writing by the Council, in consultation with the Environment Agency. Information provided in the SuDS Strategy shall include details on the design, location and attenuation capabilities of all proposed SuDS features. This includes provision of full details, including associated plans, of the proposed rainwater harvesting system, all soft landscaping features including the proposed swales and other permeable surfaces, including living roofs. The feasibility of managing run-off from impermeable surfaces by directing this into landscaped areas including tree pits should be assessed and integrated where possible. If included, full details, including location and drainage plans should be provided for permeable paving and attenuation tanks / crates.. Full maintenance information for all SuDS features should also be provided. The SuDS Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To prevent any increased risk of flooding and to ensure the provision of sustainable drainage measures in accordance with Policy SI 13 of the London Plan 2021; and Policy CC3 and CC4 of the Local Plan 2018.

- 19) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy Strategy and Sustainability Statement. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies SI 2 and SI 3 of The London Plan (2021), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan 2018.

- 20) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for receptor locations where the air quality objectives for NO₂ and World Health Organisation (WHO) targets for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:
- a. Details and locations of the ventilation intake locations at rear roof level
 - b. Details of restricted opening windows (except for emergency purge ventilation) rooms) with front elevations on Imperial Road

c. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces

d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 21) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 20 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 22) Prior to occupation of the development hereby permitted an Ultra Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG, (4) Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 23) Prior to occupation of the development hereby permitted, details of the installation including location and type of active rapid electric vehicle charging points (minimum 50 kW) for all car parking spaces and loading bays for servicing and deliveries must 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.

In the interests of air quality, in accordance with Policies SI 1 and T6 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 24) Prior to the commencement of the Demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP shall include:
- a) Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b) Demolition Site and Equipment Layout Plan
 - c) Inventory and Timetable of dust generating activities during Demolition;
 - d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014
 - e) Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall Dust Risk Rating (Low, Medium, High) of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road demolition traffic.
 - f) Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 threshold trigger levels, calibration certificates of MCERTS compliant PM10 monitors and details of real time internet based remote access to PM10 monitoring data
 - g) Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
 - h) Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI;

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

maintained during the demolition phases of the development.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 25) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP shall include:
- a) Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b) Construction Site and Equipment Layout Plan
 - c) Inventory and Timetable of dust generating activities during Construction;
 - d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014
 - e) Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall Dust Risk Rating (Low, Medium, High) of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic.
 - f) Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 threshold trigger levels, calibration certificates of MCERTS compliant PM10 monitors and details of real time internet based remote access to PM10 monitoring data
 - g) Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
 - h) Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI.

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

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 26) Prior to occupation of the Development hereby permitted, a Delivery and Servicing Management Plan (DSMP), shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include, freight consolidation facilities, vehicle tracking, detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, Use of Ultra Low Emission Zone (ULEZ) compliant vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, LPG, (4) Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI, location of loading bays with active rapid electric vehicle charging points (minimum 50kW) , quiet loading/unloading measures and vehicle movements. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses of the site. Any future occupier/tenant shall be notified of the DSMP so that they are aware of the scope of the Plan.

To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies T1 and T6 of the Local Plan 2018.

- 27) Prior to occupation of the development, details of the installation of the Zero Emission Air / Water Source Heat Pumps and Zero Emission Emergency generators to be provided for space heating, hot water and power supply to the Class E uses all be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 28) Prior to occupation of the development hereby permitted, details of the installation of Aerobic Food Digesters (AFD) for Class E use Class in order to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

- 29) Prior to commencement of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the Guidance Notes For The Reduction Of Light Pollution 2011. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of

the development and thereafter be permanently retained.

To ensure that lighting does not adversely affect the amenity of occupiers of the development site/surrounding premises and natural habitat, in accordance with policy CC12 of the Local Plan 2018.

- 30) No part of the development hereby approved shall be used or occupied until a scheme for the control and operation of the proposed lighting within the office building, during periods of limited or non-occupation, has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented. The internal lighting shall be operated only in accordance with the approved details.

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

- 31) Prior to the occupation of the development hereby approved details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details and thereafter be permanently retained.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies D3, D5 and D6 of the London Plan 2021 and Policy DC2 of the Local Plan 2018.

- 32) There shall be no use of the roof terrace at third floor level between 9.00pm and 8am Monday - Friday or on weekends or bank holidays and that there will be no music, amplified or acoustic, played on the terrace between the aforementioned hours.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policies HO11 and CC11 and CC13 of the Local Plan (2018).

- 33) No development shall commence until a preliminary risk assessment report, in connection with land contamination, 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; and a statement of whether a site investigation is necessary to address these potentially unacceptable risks. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 in the Local Plan 2018.

- 34) No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, 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. The site investigation should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 35) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following the site investigation undertaken in compliance with the approved site investigation scheme if required by the approved preliminary risk assessment 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 approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan 2016, and Policy CC9 of the Local Plan 2018.

- 36) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, 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. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 37) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, 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 appropriate waste Duty of Care documentation 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 method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 38) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 39) No part of the development hereby approved shall be used or occupied until details of the new non-openable windows (other than for cleaning and maintenance only), with fixed louvres attached, in the east elevation (facing Imperial Square excluding skylights) have been submitted to and approved in writing by the Local Planning Authority. The windows shall be implemented in the form approved and thereafter permanently retained. With the exception of the windows as shown on the drawings hereby approved, no additional windows shall be inserted.

Such a use would be harmful to the existing residential amenities of neighbouring occupiers as a result of overlooking and loss of privacy, contrary to Policy DC1, HO11 and DC4 of the Local Plan (2018).

Justification for Approving the Application:

- 1)
 1. Land Use: It is considered that the proposed land use is acceptable. The extension of the existing Class E use is acceptable and in accordance with the NPPF (2018), Policies E1 of the London Plan (2021), and Local Plan Policy E1 and E2.
 2. Design: The proposed development would be a high-quality development which would make a positive contribution to the urban environment in this part of the Borough. The proposed development would be compatible with the scale and character of existing development. The proposal would protect the character and appearance of Imperial Square Conservation Area. The development would therefore be acceptable in accordance with the NPPF (2018), HC1, D3, D4, D5 and D8 of the London Plan (2021) and Local Plan 2018 Policies DC1, DC2 and DC8.
 3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan 2018, and Key Principles HS6, HS7 and 8 of the Planning Guidance Supplementary Planning Document (2018).
 4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with Policy D11 of the London Plan (2021) and Policy DC1 of the Local Plan 2013 (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D7 of the London Plan (2021), and Policies DC1, DC4 and HO6 of the Local Plan 2018.
 5. Transport: There would be no significant adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2018), Policies T3, T4, T5, T6 and T7 of the London Plan (2021), and Local Plan 2018 policies T2, T3, T4, T5 and T7.
 6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Implementation of the submitted details will be secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2018), SI 12 and SI 13 of the London Plan (2021), and policies CC3 and CC4 in the Local Plan 2018.
 7. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with policy CC9 in the Local Plan 2018.

8. Air Quality: Subject to additional air quality, mechanical ventilation and fresh air intake details, the proposal will ensure neutral air quality outcomes in accordance with Policies S1 of the London Plan (2021) and Policy CC10 of the Local Plan 2018.

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

10. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. A financial contribution towards low cost workspace, a payment in lieu contribution towards the zero-carbon emission target, a construction and operational phase contribution to economic development, the prohibition of any occupier to obtain a parking permit, and highways works are secured. 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: 3rd September 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Crime Prevention Design Advisor - Hammersmith	25.09.20

Neighbour Comments:

Letters from:	Dated:
Imperial Square London Sw62AE	18.09.20
11 Imperial Square London SW6 2AE	14.10.20
6 Imperial Square Fulham SW6 2AE	18.09.20
NAG	29.11.20
9 Imperial Square London SW6 2AE	29.11.20
7 Imperial Square Fulham London SW62AE	17.09.20
Unit 5, Imperial Studios, Imperial Road London SW62AG	09.12.20
Cheffins Clifton House, 1 - 2 Clifton Road CAMBRIDGE CB1 7EA	06.01.21
Cheffins Clifton House, 1 - 2 Clifton Road CAMBRIDGE CB1 7EA	26.11.20
8 imperial square Fulham Sw6 2ae	18.09.20
25 Cheryls Close London SW6 2AX	08.10.20
12 Cheryls Close London SW6 2AX	02.10.20
10 Imperial Square London SW6 2AE	04.12.20
10 Imperial Square London SW6 2AE	26.11.20
9 Imperial Square London SW6 2AE	29.11.20
19 Imperial Square London SW6 2AE	26.11.20
7 Imperial Square London SW6 2AE	23.02.21
27 HARWOOD TERRACE LONDON SW6 2AF	21.09.20
LBHF Children's Services 145 King Street London W6 9XY	14.09.20
7 Harwood Terrace London sw62af	18.09.20

1.0 SITE DESCRIPTION

- 1.1 The application relates to the 3-9 Imperial Wharf studios site (0.23ha) which is on the north-east side of Imperial Road. The site includes a single storey, plus mezzanine level, warehouse building enclosed by a tall pitched roof, with off street parking to the front, located on the north side of Imperial Road between the junctions with Harwood Terrace and Emden Street. The warehouse was constructed in 1935 and originally functioned as a garage and works for the Imperial Gas Light and Coke Company. The premises are occupied by a number of different commercial uses that fall within Use Class E (previously Class B1) and these premises are therefore in employment use.
- 1.2 The surrounding area is mixed in character. On the opposite side of Imperial Road, to the south-west, are the part three storey part four storey residential properties on the 1980s Cheryl's Close housing estate. To the west are 2 storey residential properties of Harwood Terrace, designated as Buildings of Merit, and to the rear (north) is Imperial Square, a 1870s housing development for workers and pensioners of the gas works. To the east is situated No. 11 Imperial Road, a 2 storey (plus mansard roof) is a mixed use residential building at the corner with Emden Street. Further east and north, is former gas works site - one of the gas holders is listed and one is on the Council's register for Buildings of Merit. The site is located within the Imperial Square and Gasworks Conservation Area.
- 1.3 The site is in the Environment Agency's Flood Zones 2 and 3.
- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 4 (Good).

2.0 RELEVANT PLANNING HISTORY:

- 2.1 In 1983 planning permission was granted for the change of use of former garaging bays to light industrial studios and offices (1983/00748/FUL).
- 2.2 In 1993 planning permission was granted for the use as a health studio with ancillary consulting rooms for the practice of alternative medicine (1993/01020/FUL).
- 2.3 In 2019, the applicants submitted pre-application proposals for the redevelopment of the site to provide approximately 5,000sqm of commercial floorspace. Overall, in land use terms the proposed retention of the existing employment use was considered acceptable in principle. The proposals included reducing the height of the rear boundary wall to improve outlook from the properties in Imperial Square, a new footpath along Imperial Road. The main concerns related to the proposed design, residential amenity (privacy, outlook and daylight) and affordable workspace.

3.0 PROPOSAL

- 3.1 The current proposal seeks the demolition of the existing building and erection of a replacement part one, part two, part three, part four storey building to provide flexible commercial floorspace for business/retail/cafe use (all Use Class E); creation of a new pavement; car parking and loading bays; landscaping; cycle parking; substation; and all associated works.

4.0 PUBLICITY AND CONSULTATIONS

Preapplication public consultation:

- 4.1 The applicant's Statement of Community Involvement (SOI) supports the current planning application and summarises the pre-application engagement undertaken.
- 4.2 The applicant held a series of meetings with the existing tenants in the Imperial Studios building to share the proposals with them, seek their feedback and discuss with them the opportunity to return to the new space. A promotional brochure was then designed, printed and distributed to local residents of 150 properties in the vicinity of the Site and also to local stakeholders who may have had an interest in the Site inviting residents to meetings on the 26th and 29th February 2020. Information on the project was also made available on a website.
- 4.3 Twenty-one residents attended provided feedback from 6 residents received. The applicant states that the comments received have helped to shape the scheme.

Statutory Consultation:

- 4.4 The planning application was publicised by way of letters sent to 263 surrounding properties. Site and press notices were also published. Representations have been received from 18 letters (including duplicates), including 15 objections. One letter of support was received from an existing tenant of the application site.
- 4.5 The objection comments can be summarised as follows:

- Noise pollution
- Air pollution
- Loss of daylight/sunlight and increased overshadowing
- Overlooking/loss of privacy
- Loss of outlook/increased sense of enclosure
- Limited consultation
- increase in noise and disturbance from the square being used as a cut through/shortcut for commuters/new residents and increased hours of use
- Dust, noise and disturbance from building works
- Proposed building would be too high, over-dominant and out of keeping with the character and appearance of the area and conservation area
- Over provision of car parking proposed
- More provisions for pedestrians should be provided
- Structural impacts on neighbouring buildings
- Light pollution
- Increased traffic and parking stress
- Impact on telecommunications
- Existing security measures to be protected
- Decrease in neighbouring property values
- Loss of existing businesses

Amenity groups:

- 4.6 The Fulham Society were consulted on the planning application and while supportive of the building remaining in commercial use, raised concerns over the height and bulk of the replacement building.

Technical Consultations:

- 4.7 Metropolitan Police Service Designing Out Crime Officer requests condition to ensure the proposals achieve full Secured by Design accreditation when completed.
- 4.8 The Environment Agency - no objection.
- 4.9 Thames Water consulted on the planning application and have not made any comments.
- 4.10 On the 9th April 2021 in response to concerns raised during the preapplication and statutory consultation the applicant continued to engage with local residents and officers and has amended the proposals. The amended proposals include the retention of the existing 5.6m high rear boundary wall which will screen the proposed development, removal of windows to the rear elevation to prevent overlooking, the design has altered to reduce the overall height and massing of the development.

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 (February 2019):

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 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 ASSESSMENT

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

- Principle of Land Use (intensification of the employment use on the site);
- Housing Supply (density/housing mix/affordable Housing provision);
- Design and visual amenity; including the impact on the surrounding heritage assets
- Residential Amenity (daylight and sunlight/outlook/privacy/noise)
- Highways and Transportation
- Environmental Matters

PRINCIPLE OF DEVELOPMENT

Employment Use

6.2 London Plan Policies E1 (Offices), Policy E2 (Providing suitable business space) and Policy E7 (Industrial intensification, co-location and substitution) and Local Plan Policy E1 are relevant in the proposal. The existing site includes underused and outmoded office space, and a number of leases were due to expire.

6.3 Since preapplication discussion in 2019 to avoid further vacancies existing short term leases and licenses have been extended by the applicant to provide tenants with accommodation and to keep the building occupied. Otherwise, most tenants would already have left the premises.

6.4 The proposed development would result in the retention of employment uses on site as well as provide an upgraded modern facility with additional net employment

generating floorspace within the borough. The applicants have engaged with existing tenants to try and secure their return within the proposed new development. Based on this, the proposal seeks to provide modern, flexible workspace for small and medium sized businesses and co-working hub that directly responds to an identified need through the public consultation for low-cost shared workspace for residents and local businesses as well as start-up businesses, entrepreneurs, and homeworkers post pandemic.

- 6.5 London Plan Policies E1, E2 , E3 and E8 set out broad objectives of affordable workspace. In particular London Plan 2021 E1(G) regarding affordable workspace states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace. The Local Plan under Policy E1 encourages the provision of a range of workspaces in terms of size, cost and leasing arrangements, including the provision of flexible leasing arrangements, any rent cross-subsidisation, reduced rent arrangements, provision of co hubs and start up space.
- 6.6 The proposed development includes the following affordable workspace provision:
 1. Affordable Workspace Type A: 5% of total Gross Internal Floor Area (GIA) provided for 10 years from Practical Completion (PC) at 20% discount to Open Market Rental Value (OMRV). The priority is to tenants returning to the building. Once the initial tenant moves on to other space or should another returning tenant not take up this space, it will be available to the enterprises approaching the property owners or nominated by LBH&F focused on SME's, microbusinesses and start up enterprises.
 2. Affordable Workspace Type B: 2.5% of total GIA as co-working hub secured for 10 years at affordable rates bookable on an hourly basis for hot desking for use by local residents, microbusinesses, entrepreneurs, and others working within the building. Local residents will be offered a further 25% discount from the base affordable rates.
 3. Discounts for Returning Existing Tenants: 20% of the total floor area (GIA) will be made available to returning tenants that sign-up to take space at PC of the development. This space will be provided at 20% discount to OMRV for 2 years.
 4. Relocation / Re-accommodation Strategy - Relocation Strategy to be secured by the Section 106 Agreement in accordance with the attached terms, updated as per the Framework Workspace Management Plan and Relocation Strategy previously provided to Officers. This covers rights of renewal to remain in occupation until the building is required for redevelopment, first refusal on the new accommodation and relocation assistance should tenants choose not to return to the new accommodation.
 5. Workspace Management Plan to be provided and include details of: costs, how affordable workspace will be managed, delivered, monitored and reported. The monitoring will require a fee.
 6. Support for local employment and training skills for local businesses including a contribution of £50,000 for:

- 4 apprenticeships.
- Paid work placements (5)
- Unpaid work placements (5)
- 10% local labour during construction phase, including an employment and skills plan together with local supply chain procurement delivery plan.
- 10% of the construction cost be procured from local businesses,
- Operational phase - Local Procurement £4,300 to help with local supply chain activity
- Commercial and construction workers travel plans.

6.7 The above items 1-6 will contribute towards the borough's jobs and business employment strategy to maximise employment, training and business benefits of the development, including affordable workspace provision, which would be secured through a S106 agreement. It is considered that the proposal would comply with Local Plan 2018 Policy E1 and London Plan 2021 Policy E1.

HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE

Site location, surrounding townscape, and heritage context

6.8 The proposal site is on the edge of Imperial Square & Gasworks Conservation Area. The new development would replace a three-storey commercial building from the 1930's which is not considered to be of architectural value, however, it is sympathetic in scale to the adjoining buildings in Imperial Road. The Fulham Society considers the building to be a "delightful period piece" but does not object to a replacement. The site's commercial use is historically linked to the running of the gasworks.

6.9 The existing building lies between a 2-storey Victorian terrace (No 1A Imperial Road), and a single Victorian house of 2-storeys plus roof at the corner with Emden Street (No 11). No 1A is part of Harwood Terrace, designated as Building of Merit. The site opposite in Imperial Road is occupied by a 1980s development comprising 2-storey terraces and 4-storey residential blocks that does not positively contribute to the character and appearance of the adjacent conservation area. There is currently no footway on the east side of Imperial Road, the space along the street frontage is used as forecourt to the commercial units for parking.

6.10 To the rear of the site lies Imperial Square, an intimate open space contained by its surrounding terraces. The history of the houses in Imperial Square is inextricably linked with that of the Imperial Gas Works. They were developed in phases during the mid-1870s as 'tied cottages' originally let to workers and pensioners of the Imperial Gas Company, which merged into the larger Gas Light & Coke Company in 1876.

Policy Framework

6.11 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 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 state 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.

- 6.12 The NPPF states that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 127 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.13 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 6.14 It is key to the assessment of this application that the decision making process is based on the understanding of specific duties in relation to Listed Buildings and Conservation Areas required by the relevant legislation, particularly the Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the requirements set out in the NPPF.
- 6.15 Section 72 of the above Act states in relation to Conservation Areas that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.16 Paragraph 197 of the National Planning Policy Framework 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.
- These paragraphs make a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.

- 6.17 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving the heritage asset and/or its setting.
- 6.18 The Planning Practice Guidance notes which accompany the NPPF remind decision makers that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.19 As summarised above, the NPPF requires local authorities to conserve heritage assets in a manner appropriate to their significance. The more important the asset, the greater the weight that should be given to its conservation. National Policy does not preclude development of heritage assets or development which may affect them or their setting, but aims to put in place the requirement for a considered analysis of when and where this may be acceptable.
- 6.20 London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities".
- 6.21 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, heritage assets and land use can be integrated to help regenerate places'.
- 6.22 Local Plan Policy DC2 permits new build development that is of a high design standard and compatible with the scale and character of existing development and its setting. It requires proposals to respect:
- historical context, townscape and the sense of place of a site;
 - the surrounding area scale, mass, form and grain;
 - the relationship of the proposed development to the existing townscape;
 - local design context to promote and reinforce local distinctiveness;
 - good neighbourliness and principles of residential amenity;
 - local landscape context, providing high quality landscaping and public realm with good permeability where appropriate;
 - sustainability objectives;
 - the principles of accessibility and inclusive design; and
 - the principles of Secured by Design.
- 6.23 Policy DC8 (Heritage and Conservation) aims to conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets.

DEMOLITION

- 6.24 The site is set in the Imperial Square and Gasworks Conservation Area. The Council's conservation area profile makes reference to the site in paragraph 5.15.
- 6.25 Nos. 3 to 9 (odd) Imperial Road is a workshop, built around 1935 as the works and garage of the Imperial Gas Light and Coke Company. It is a long single storey building with a tall pitched roof that makes it the equivalent of two storey height. It has little architectural value, but is historically linked to the running of the gasworks site, and is of a sympathetic scale to the adjoining buildings in Imperial Square and Harwood Terrace.
- 6.26 Officers consider that although the building has a historical link to the gasworks there is no direct heritage or architectural connection to the adjacent works. It was built in 1935 and is 79 years old. The building has been adapted and refurbished on numerous occasions over previous decades and has little architectural merit.
- 6.27 It is acknowledged that there is a strong statutory presumption under the Planning (Listed Building and Conservation Areas) Act 1990, as reflected in recent case law against the approval of planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area. This is because the desirability of preserving the character or appearance of conservation areas is a consideration of considerable importance and weight. Officers would have to consider the proposals for demolition and acknowledge that harm would be caused to the current character and appearance of the Imperial Square Conservation Area.
- 6.28 Nevertheless, officers' assessment of the likely harm to the setting of the conservation area would be a matter of planning judgement and, for the demolition to be considered acceptable, would have to be considered as less than substantial. The following would be important factors which could outweigh the strong presumption against approval of demolition within conservation areas. Firstly, the proposal must accord with the development plan. Secondly, the scheme must permit the redevelopment benefits as identified in the Local Plan policies and thirdly officers would need to be satisfied that the harm caused to the setting of the conservation area would be less than significant. If this is demonstrated and considered to be the case, then officers would likely raise no objection to the demolition of this building. This is discussed in detail below.

HERITAGE ASSETS

Overview

- 6.29 The proposal includes the demolition of the existing building to make way for a new four storey building.

Impact on Heritage Assets

- 6.30 This is a development which due to its nature has implications for locally listed buildings in Harwood Terrace and their setting, as well as to the conservation area and the surrounding townscape. Officers have assessed the visual impact of the scheme on the setting of the locally listed buildings and the character and

appearance of the Imperial Square and Gasworks Conservation Area.

- 6.31 A new, commercial building of 4 storeys is proposed to be inserted into the site, stepping down to a 2-storey structure on either side that links to the adjacent residential buildings in scale and creates a townscape gap between them and the proposed building.
- 6.32 The architectural approach is based on the character, proportions and materiality of commercial/industrial buildings to clearly convey the proposed building's use as a workplace while referencing the historic legacy of the gasworks. The 4-storey street frontage therefore is clearly broken up in distinguished horizontal layers that express the provision of a variety of internal spaces, while stepping back on the lower levels to achieve external space needed for the servicing of the units and to provide a footway where currently none exists.
- 6.33 The 2-storey base of the building prioritises a vertical articulation of the facade which relates to the rhythm of historic terraces in the locality and provides a central, recessed entrance.
- 6.34 The proposed front elevation would have robust and high quality detailing and materials and an emphasised central entrance, all of which enliven the frontage and positively engage with the street. Whilst it is acknowledged that the majority of the ground floor frontage would extend marginally beyond the existing building line, this change would still provide sufficient open area to the front to provide parallel parking spaces for the commercial units and a new footway, including some street trees. The 2nd floor would cantilever out above the pavement, creating a distinctive industrial appearance, while the 3rd floor would step back again to avoid a top-heavy appearance and to create a roof line that terminates the building. The two top floor elevations would have a scalloped form with more refined, decorative detailing to form a light, dynamic roof line that breaks up the length of the elevation and creates rhythm in the immediate context of the small scale townscape. The proposed materials for the solid cladding are pre-cast concrete and a variation of aluminium profiles to achieve distinctive horizontal layering and details that convey an industrial aesthetic and contrast to the London Stock brick of the residential terraces in the neighbourhood. The materials would be secured by condition.
- 6.35 At the rear, the new building would recess back in several steps and slopes and only reach its full height approximately in the centre of the site's depth. The elevation directly visible from the rear of the residential terrace in Imperial Square would have integrated green roofs.

Historic and visual impact

- 6.36 The heritage assets affected by the proposal is the Imperial Square & Gasworks Conservation Area and the Buildings of Merit at Nos 1a, 19-33 Harwood Terrace.
- 6.37 The conservation area's character and appearance are based on the relationship between the former gas works that were developed in the 19th Century, with the associated workers' or company housing, of which Imperial Square with its surrounding Victorian terraces is a rare and well preserved example. Imperial Square is the heart of the conservation area while the gas works were added at a

later date, completing the historic character of the area. The gas works site that once dominated the townscape created an interesting contrast with the intimacy and small scale of the square which was overlooked by the large scale structures of the gas holders. Although the commercial character of the application site is linked to this history, the current building is not considered to contribute positively to the appearance of the conservation area edge, and in addition, the housing development on the opposite side of Imperial Road is unattractive and does not engage with Imperial Road so that the streetscape of Imperial Road is undefined, inactive and overall of low quality.

- 6.38 The locally listed Harwood Terrace houses contribute positively to the small scale character of the Imperial Square part of the conservation area. The application site abuts the rear addition of No 1a Harwood Terrace where the buildings form an accidental relationship that is not untypical for locations where two very different streets meet.
- 6.39 The development would not be visible from northern viewing points in Harwood Terrace and Sands End Lane. In Imperial Road, the visible flank elevations of the proposed building would be covered by green walls which would provide a visual buffer between the existing adjacent houses and the new development. Additional plant rooms have been located on the top of the 2-storey end elements, however, due to their recessed position and screening by climbing planting, they would visually blend into the green walls and their impact on the massing of the development and its relationship to the neighbours is not considered to be harmful to the setting of the locally listed terrace or the neighbouring historic building at the eastern end. All wall and roof planting should be designed to be suitable for their location, robust and adequately maintained at all times, and conditions to ensure this should be attached to a permission (Condition 6).
- 6.40 The increased height of the proposed building would be seen against the background of the emerging tall housing developments in the neighbourhood, and due to its visually interesting and refined design, the proposed building is not considered to cause harm to the setting of the locally listed Harwood Terrace. Overall, the combination of the massing and high quality architectural design detailing would enhance the streetscape and townscape and contribute positively to the diverse, industrial character of the conservation area around Imperial Square.
- 6.41 The gas works site is now in the process of redevelopment, and, increasingly, modern housing developments can be seen rising in the background of views from Imperial Square. Due to the number of large trees in the square, views out over the houses are restricted and the intimate atmosphere of the square is largely preserved.
- 6.42 The top of the sloping roof of the proposed development would be visible in long views across the square where there is gap in the tree cover. The visual impact has been sufficiently mitigated by the green roof/wall design with diverse varieties of planting. The view of the planted roof behind the Imperial Square terrace would not harm the intimate character of the square environment. Although the proposed lift overrun in the centre of the site would project over the curved roof, this has been reduced significantly so that it would no longer be visually prominent in views of the terrace from Imperial Square. The bulk of the overrun structure would be

screened by green walling, achieving a recessive appearance in views from the square.

- 6.43 The increase in massing on site and its impact on the outlook for the residents at the rear of the terrace abutting the site is mitigated by a well-designed back elevation that would be softened by urban greening. The proposed greening is shown in the upper parts of the sloping rear elevation/roof, as well as the vertical parts of the elevation in order to fully mitigate the visual impact of the increased massing on the rear of the terrace and to maximise environmental benefits with regard to cooling, biodiversity and rainwater attenuation.
- 6.44 The proposed building has a strong potential to improve the townscape and streetscape at the interface between the conservation area and the adjoining areas of Fulham, and to contribute positively to the evolving character and appearance of the conservation area.

DESIGN AND HERITAGE CONCLUSION

- 6.45 Overall, subject to conditions, the proposed works, due to their design, scale and situation, would not have any impacts on the settings of the above identified heritage assets. The works are designed sympathetically to the character of the site; the development would preserve the character and appearance of the Conservation area and the special architectural or historic interest and setting of the Buildings of Merit.
- 6.46 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.
- 6.47 The proposed development is also considered acceptable in accordance with the NPPF, Policies HC1, D1, D3 and D4 of the London Plan and Policies DC1, DC2, and DC8 of the Local Plan and Key Principles AH1, AH2 and CAG3 of the Planning Guidance SPD.

ACCESSIBILITY

- 6.48 London Plan Policy D5 'Inclusive Design' and Local Plan Policies DC1 and DC2 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally. To provide appropriate access arrangements for users of the site, level access measures are proposed. Level access lifts are proposed within the new building to enable disabled access. The proposal's access arrangements are considered acceptable and in accordance with London Plan Policy D5 and LP Policies DC1 and DC2.

CRIME PREVENTION

6.49 London Plan Policy D11, Local Plan Policy DC1 and SPD "Sustainable Design and Construction" Key Principles requires 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. The details of how the proposal will incorporate measures for crime prevention will be secured by condition (Condition 31).

RESIDENTIAL AMENITY

6.50 Policies DC1, DC4, CC11, CC13 and HO11 of the LP 2018 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

6.51 There are residential properties on three sides of the application building. The application site is located directly to south west of 4 x two storey properties which front Harwood Terrace, backs onto about 15 two storey houses in Imperial Square the north east, and to the south east some flats within the three storey building fronting Emden Street.

Outlook:

6.52 SPD Housing Key Principle Policy 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 produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

Harwood Terrace

6.53 To the north west, there are windows in the rear elevations of No.s 29, 31 and 33 Harwood Terrace and 1a Imperial Road.

6.54 The proposed replacement building has been designed to step away from the shared boundary on this side to ensure that the development would not have any greater impact than the existing building. It is therefore considered that the existing residential amenities in terms of outlook for neighbouring residential properties to the north west would be retained and would be acceptable in terms of SPD Housing Key Principle Policy HS6.

Imperial Square

6.55 To the north east of the application site is the row of 16 two-storey terraced houses fronting Imperial Square. Although the proposed replacement building

would increase the existing overall height by approximately one storey, the development has been designed to push the increased mass towards the front of the building away from the rear elevation. Notably, the existing 5.6m high rear wall would be retained and would screen the proposed development from the rear gardens and elevations of the adjacent terrace in 1 to 16 Imperial Square. The outlook from the small rear gardens of the adjoining properties would also not be worsened. The proposal would therefore comply with the SPD Housing Policy 6.

11 Imperial Road

6.56 There are habitable room windows within the north west elevation at third floor level of No. 11 Imperial Road, which adjoins the application site and the increased massing at third floor level and above. The proposed upper adjacent upper floors have however been set away from the affected windows by 6m. It is therefore considered that adequate outlook to the affected windows at No. 11 Imperial Road would be maintained.

6.57 Overall, in terms of outlook, it is considered that the proposal would maintain a satisfactory sense of openness and not have an overbearing effect compared to the existing building, complying with SPD Housing Key Principles 6 and 7.

Privacy:

6.58 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.

6.59 The nearest affected windows to the north east elevation of the replacement building are those in Imperial Square. The proposed openings in the rear elevation includes some non-habitable windows and these have been designed to prevent any loss of privacy or overlooking to Imperial Square and this would be secured by conditions. It is therefore considered that the proposal would not result in any additional opportunities for overlooking or loss of privacy. Other windows to neighbouring properties in the vicinity of the application site are positioned more than 18m away from any proposed windows, complying with SPD Housing Key Principle HS7.

Noise and disturbance:

6.60 NPPF paragraph 170 states that planning decisions should prevent new and existing development from contributing to unacceptable levels of noise pollution. Similarly, Paragraph 180 states that planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.61 London Plan Policy D14 seeks to ensure developments reduce, manage and mitigate noise to improve health and quality of life.

- 6.62 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development in the most appropriate locations. Design, layout and materials should be used carefully to protect against existing and proposed sources of noise, insulating the building envelope, internal walls floors and ceilings, and protecting external amenity areas. Noise assessments providing details of noise levels on the site are expected 'where necessary'.
- 6.63 Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.64 A terrace is proposed at third floor level fronting Imperial Road. It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed terrace/amenity areas. Having regard to the size of the proposed office terrace as well as its very limited depth (200sqm and 2.35m in depth), together with its location and the relationship with adjoining properties, it is considered that the terrace has some potential to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance. It is considered that it would be necessary to control the hours of use of the terraces to ensure that the development would not harm the existing amenities of adjoining occupiers in terms of noise and disturbance, and this could be secured by condition (Condition 32). Subject to condition, it is considered that the proposal would not result in any significant noise and disturbance to the nearest neighbouring residential properties. The proposed development is therefore considered acceptable with regards to Policies DC4, HO11, and CC11 of the Hammersmith and Fulham Local Plan (2018), and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

Daylight, Sunlight and Overshadowing

- 6.65 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's Daylight and Sunlight report which has been carried out in line with BRE and considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings. Officers have considered applicants report in terms of impact on habitable rooms.

Daylight

- 6.66 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.
- 6.67 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 para 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. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'

6.68 The applicants submitted a daylight and sunlight report includes an assessment of the impacts upon the residential properties in the immediate vicinity of the site. The relevant properties include the following:-

- o 1A Imperial Road
- o 1 to 16 Imperial Square
- o 27 to 33 (odd) Harwood Terrace
- o 9 to 33 Cheryl's Close

Vertical Sky Component

6.69 Officers have considered the applicants report. A total of 185 windows across 38 properties were included in the Daylight and Sunlight assessment. In terms of VSC, 184 (99%) of the windows fall within the 20% VSC or are slightly above (between 20% and 25%) the target. The VSC infringements above 20% and below 25% are modest and under more detailed advice contained in the BRE these results are considered acceptable.

There are 2 windows on the rear of 1A Imperial Road (facing the existing north-west side of development) where the resulting VSC would be 28% and 33% - these windows do not appear to be main living areas, as the property's main larger windows are in the elevations facing Imperial Road and Harwood Terrace. On balance, the overall internal daylight provision to these spaces will continue to be good for an urban location, it is considered that it would be unreasonable in this instance to refuse permission on the impact on these windows alone given the overall daylight impact of the whole scheme.

No Sky-Line (Daylight Distribution)

6.70 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.

6.71 The submitted daylight/sunlight report includes an NSL test to all relevant rooms within the neighbouring residential properties. The results demonstrate that of the total 101 rooms, 9 rooms fall short of the 20% NSL target. Noticeably, 6 would be less than 0.7 NSL. On balance, taking into account the wider benefits of the scheme in this urban setting, it is considered that the proposals are acceptable.

Average Daylight Factor (ADF)

6.72 The 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. The BRE Report (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended'.

Sunlight

6.73 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.

6.74 The daylight/sunlight report includes a sunlight analysis of all relevant habitable rooms within neighbouring properties. There would be no failings against the APSH test and therefore officers conclude that there would be no unacceptable loss of sunlight to neighbouring properties.

Overshadowing

6.75 The BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

6.76 Regarding overshadowing, as none of the neighbouring rear courtyards assessed would receive 2 hours of direct sunlight on March 21st in the existing condition, there would be a negligible effect from the proposed development. Overall, officers conclude that all properties would not suffer a noticeable or detrimental loss of

sunlight to their external amenity spaces.

- 6.78 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. A Daylight and Sunlight report should be carried out in line with BRE and considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings and submitted with any application.

Light pollution

- 6.79 Policy CC12 of the Local Plan 2018 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination. The replacement building would include additional openings. Although officers do not consider the level of illumination likely to be harmful or out of character with the location, a strategy securing how internal lights to be turned off when not required to mitigate against unnecessary harm to sensitive receptors should be considered, which could then be secured by condition (Condition 30). In addition, further details of all external illumination is also to be secured by condition in order to provide a positive environment without harmful impacts upon adjacent residents or harm to the character of the area (Condition 29).

TRAFFIC AND HIGHWAYS

- 6.80 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
- 6.81 Policies T1, T4, T5, T6 and T7 of The London Plan 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 and cycle standards. Policies SI 7 and SI 8 are relevant to waste and recycling.
- 6.82 LP Policy T1 'Transport' supports The London Plan and seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. LP Policy T2 'Transport Assessment and Travel Plans' states that all development proposals will be assessed for their contribution to traffic generation, and LP Policy T4 of the sets out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. LP Policy T3 'Increasing the Opportunities for Cycling and Walking' seek to ensure that satisfactory cycle space is provided for all developments.

Car parking

- 6.83 The existing arrangement provides 30 off street car parking spaces, and includes no pavement for pedestrians. This application proposes a reduction to 8 off street parking spaces along the frontage of the site accessed off Imperial Road, two of which would be for disabled access, as well as including electric vehicle charging points. The proposal also includes new hard and soft landscaping, with new pavements for pedestrians running along the length of the frontage of the replacement building and along the street side of the car parking spaces.
- 6.84 While it is acknowledged that in order to comply with local and London Plan standards, car-free development should be the starting point for all development proposals in places that are well-connected by public transport, it is noted that the if the number of operational car parking spaces were further reduced, it would be very detrimental to the type and range of tenants that could be attracted to this development and the employment opportunities in the locality. Removing or reducing the spaces would seriously affect the ability to re-accommodate those existing businesses that want to return, and these could be lost from the Borough. It is therefore considered that on balance, given the reduction compared to the existing, the provision of a new pavement and disabled parking spaces, the parking arrangements are considered acceptable in this instance.

Cycle parking

- 6.85 London Plan Policy T5 and Local Plan Policy T3 outlines the cycle parking requirements for development. These are required to be safe, accessible and conditioned for the life of the development.
- 6.86 The cycle parking will be provided within a secure and accessible store at ground floor level, with 52 long-stay cycle parking spaces. Short-stay cycle parking would also be provided in accordance with the London Plan standards and would be located within the new area of highway provided on Imperial Road, including 10 Sheffield stand spaces provided in convenient locations that are attractive to use for visitors, but which also maintain the circa 2m clear width along the new footway for pedestrians. The council's Highways Officer is satisfied that the proposed cycle parking provision is safe and accessible. A condition is attached for this to be implemented prior to the occupation of the development and retained thereafter (Condition 15).

Refuse:

- 6.87 London Plan Policy SI 7 outlines the Mayors approach to waste management. Policy CC6 and CC7 of the LP 2018 requires development to incorporate suitable facilities for the storage and collection of segregated waste. The plans indicate an expansion of the existing refuse storage and recycling facilities at ground floor level, and would be serviced as currently from Imperial Road. These arrangements are considered acceptable, and will be secured by condition for the Servicing and Delivery Management Plan (Condition 16).

Delivery/Servicing

6.88 A draft Delivery and Servicing Plan has been submitted. A draft Delivery and Servicing Plan (DSP) is included as part of the planning application. The DSP states that the operational bays have been designed in groups of two, facilitating simultaneous servicing activity by 3.5T panel vans or servicing by 7.5T box vans and refuse vehicles. The DSP states that the proposed development is likely to generate approximately 15 deliveries a day. Swept-path analysis has been provided which demonstrates the ability for vehicles to enter and leave the site in a forward gear. Refuse will be collected as per the existing arrangements from Imperial Road. The proposed delivery and servicing arrangements are considered acceptable and are not likely to have an impact on the local highway network. The implementation of the refuse stores and the submission of a detailed DSP will be secured by conditions (Conditions 16 and 26).

Travel Plan

6.89 The applicant is required to submit a Travel Plan in accordance with Local Plan Policy T2 in order to promote sustainable travel and to ensure that future occupants of the proposed development are informed of public transportation, car clubs, cycling provisions in the immediate vicinity of the site. This will be secured by via a S106 agreement.

Building Works:

6.90 The main impact of the development in highway terms would be at the demolition and construction stages. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle TR21 a draft Demolition and Construction Logistics Plan has been submitted.

6.91 To reduce the effects of construction vehicles and construction activity on the local highway network and the surrounding area, an Outline Construction Logistics Plan (CLP) has been prepared and submitted with the planning application. The CLP includes further information on the type and management of construction vehicles, construction vehicle access and routing arrangements, and measures to ensure pedestrian, cyclist and vulnerable road user safety during construction activity. A detailed Construction Logistics Plan will be secured by a condition (Condition 4).

Highway works:

6.92 The applicant has also committed to provide a new footway along the frontage of the site to conform with the council's streetsmart guidance. The works will be funded by the applicant and secured through a section 106 or 278 agreement.

6.93 Subject to the submission of the required documents by conditions and the mitigation to the impacts of the development required by way of legal agreement, officers consider that the proposed development would not detrimentally impact on the highway network and would be in accordance with the policies cited above.

ENVIRONMENTAL QUALITY

Flood Risk:

- 6.94 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.
- 6.95 London Plan Policies SI 12 and SI 13 requires new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.
- 6.96 Local Plan Policies CC3 and CC4 which relate to Flood Risk and Sustainable Urban Drainage requires development proposals to reduce the use of water and minimise existing and future flood risk and the adverse effects of flooding on people by implementing a range of measures such as Sustainable Drainage Systems (SUDS) (where feasible) and also the use of water efficient appliances.
- 6.97 The site is in the Environment Agency's Flood Zone 3, so a Flood Risk Assessment (FRA) is required. Although the site is in Flood Zone 3 it is well protected by flood defences such as the Thames Barrier and local river walls. However, if these failed or were breached, parts of the site could be impacted by flood water according to Environment Agency modelling.
- 6.98 The FRA has identified mitigation measures to reduce flood risks. A range of additional flood resilient design measures have been included which would help the building recover in the event of a flood. The proposed measures have been reviewed by Council officers and found to be acceptable and will therefore be secured by condition (Condition 17).

SUDS

- 6.99 A detailed Sustainable Drainage Strategy will need to be submitted to show how surface water will be managed on site in line with the requirements of London Plan policy SI 13 and Local Plan policy CC2 and associated guidance which require peak surface water run off to be attenuated by as much as possible, or by a minimum of 50% compared to the current situation on site.
- 6.100 Subject to conditions ensuring the submission of a final SuDS Strategy in order to confirm the full details of the finalised measure, the proposals could accord with relevant flood risk and surface water drainage policies SI 12 and SI 13 of the London Plan 2021, and Local Plan policy CC2 (Condition 18).

Contamination

- 6.102 Local Plan Policy CC9 'Contaminated Land' 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.

6.103 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions would be attached in event of permission being granted in order 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 (Conditions 33-38).

Sustainable Design and Construction

6.104 The NPPF states that development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.

6.105 London Plan Policies SI 2, SI 3 and SI 7 require developments to make the fullest contribution to the mitigation of and adaptation to climate change, ensure sustainable design and construction and minimise carbon dioxide emissions. These policies also require developments to provide decentralised energy, renewable energy and innovative energy technologies where appropriate.

6.106 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.

6.107 As required of a major development, A Sustainability Statement has been provided which incorporates a BREEAM pre-assessment report. This shows that the proposal can achieve the "Very Good" rating.

6.108 The carbon reduction measures outlined in the Energy Strategy include energy efficiency measures such as higher levels of insulation, low air tightness levels, efficient lighting as well as energy saving controls for space conditioning and lighting are calculated to reduce CO₂ emissions by 14.1 tonnes a year, equivalent to a reduction of 25.2%. This meets the Intend to Publish London Plan requirement for non-residential scheme such as this to reduce CO₂ emissions by at least 15% (Policy SI 2). There are no local heat networks for the site to connect into but the scheme proposes to generate energy on-site through the use of Air Source Heat Pumps (ASHPs) which will be installed so that the site-wide network could be connected in the future to a wider network. The ASHPs are calculated to reduce CO₂ emissions by 6.4 tonnes a year, equivalent to 11.4%. Overall, the proposed measures are calculated to reduce regulated CO₂ emissions by 36.6% (20.5 tonnes per annum) across the whole site which meets the Intend to London Plan's minimum target of 35%. To achieve the zero carbon target therefore, a payment in lieu is required to offset these emissions. It has been calculated that to offset the remaining 35.6 tonnes of CO₂, this would require a payment of £101,460, which will be secured through a S106 agreement. It is also noted that the development will incorporate monitoring equipment and systems to enable

occupiers to monitor and reduce their energy use. Smart meters will be installed to monitor the heat and electricity consumption; the display board will demonstrate real-time and historical energy use data and will be installed at an accessible location within the commercial spaces. This is inline with the requirements of the London Plan's requirement in this respect.

- 6.109 In broad terms, the approach is acceptable and will be secured by condition that requires the implementation of the measures as outlined (Condition 19). The CO2 offset payment will need to be included in the s106 Agreement.
- 6.110 In addition to the carbon reduction measures outlined in the Energy, other measures that will be designed in include water efficiency, waste management and recycling facilities, use of building materials with low environmental impacts where possible, including recycled materials where feasible, inclusion of measures to minimise noise pollution and air quality impacts, flood risk and sustainable drainage measures, sustainable transport measures and biodiversity improvements. The proposed approach in terms of sustainability is welcomed, although there may be specific areas where we may need additional measures to be taken to show compliance with the Council's Development Plan policies which go beyond the BREEAM requirements, e.g. surface water management (and possibly other areas, such as air quality, transport, carbon reduction etc). The implementation of the measures outlined in the Sustainability Statement and the submission of a post construction BREEAM assessment to demonstrate that the Very Good rating has been achieved will be secured by condition (Condition 19).

Air Quality

- 6.111 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 6.112 London Plan Policy SI 1 seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London. 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.
- 6.113 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.114 The development site is within the borough wide Air Quality Management Area (AQMA) and in an area of existing poor air quality due to the road traffic emissions from Imperial Road. The development proposal will introduce new receptors into an area of very poor air quality and will result in an impact on local air quality from the transport and energy plant emissions during the operational phase. Further

mitigation measures will therefore be required to make the development acceptable in accordance with Local Plan Policy CC10. On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating the submission of a Ventilation strategy, Ultra low emission strategy, Air Quality Dust Management Plan (Demolition, Construction), Zero Emission Heating Plant , and the provision of rapid electric vehicle charging points (Conditions 20-23).

6.115 On this basis officers consider that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.

COMMUNITY INFRASTRUCTURE LEVY

Mayoral CIL

6.116 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at www.london.gov.uk. The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. The Mayoral CIL will be approx. £142,800.

Local CIL:

6.117 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. Office developments are exempt from the Council's CIL. The Borough CIL will be approx. £7,600.

POTENTIAL S106 CONTRIBUTIONS

6.118 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, using planning conditions or, where this is not possible, through planning obligations. London Plan policy DF 1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability. 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).

6.119 It is anticipated that the S106 agreement for this development will include the following draft heads of terms:

- 1 The provision and retention of affordable workspace:
 - a.) Affordable Workspace Type A: 5% GIA provided for 10 years at 20% discount to Open Market Rental Value (OMRV), and how this is to be managed and run through a Workspace Management Plan.
 - b.) Affordable Workspace Type B: 125sqm (2.5% GIA) of co-working space at ground floor level including details of costs, and how this is to be managed and run through a Workspace Management Plan.
 - c.) Discounts for Returning Existing Tenants: Up to 20% of the total floor area (GIA) will be made available to returning tenants provided at 20% discount to OMRV for 2 years.
 - d.) Relocation / Re-accommodation Strategy

2. Support for local employment, training and local businesses including a contribution of £50,000 for:
 - 4 apprenticeships.
 - Paid work placements (5).
 - Unpaid work placements (5).
 - 10% local labour during construction phase, including an employment and skills plan
 - 10% of the construction cost be procured from local businesses,
 - Operational phase - Local Procurement £4,300 to help with local supply chain activity

- 3 Transport -
 - Commercial and construction workers travel plans.
 - Payments of £3,000 per travel plan at years 1, 3 and 5 (annually until completion for the construction workers travel plan) to fund the review of each of the development's travel plans.
 - On-street car parking permit-free development.
 - Developer to pay for Highway Works comprising footway paving.

- 4 Carbon Reduction
 - £101,460 payment in lieu contribution towards the zero-carbon emission target for commercial uses.

- 5 A commitment to meet the costs of the Council's associated legal fees.

7.0 CONCLUSION

7.1 The proposed development would create a well-designed commercial scheme that has been designed to complement the character and appearance of the locality and conservation area. The proposal would improve the existing site and the surrounding area and would result in an acceptable impact on the living conditions of neighbouring residential properties. The cumulative impact of the development, subject to conditions would not have a significant impact on the highway, parking, or environment. The proposal is in accordance with relevant national guidance, London Plan (2021) policies and associated SPGs, the Hammersmith and Fulham Local Plan (2018) and Supplementary Planning Document (2018).

8.0 RECOMMENDATION

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
- 2) To authorise that the Chief Planning Officer after consultation with the Head of Law 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.