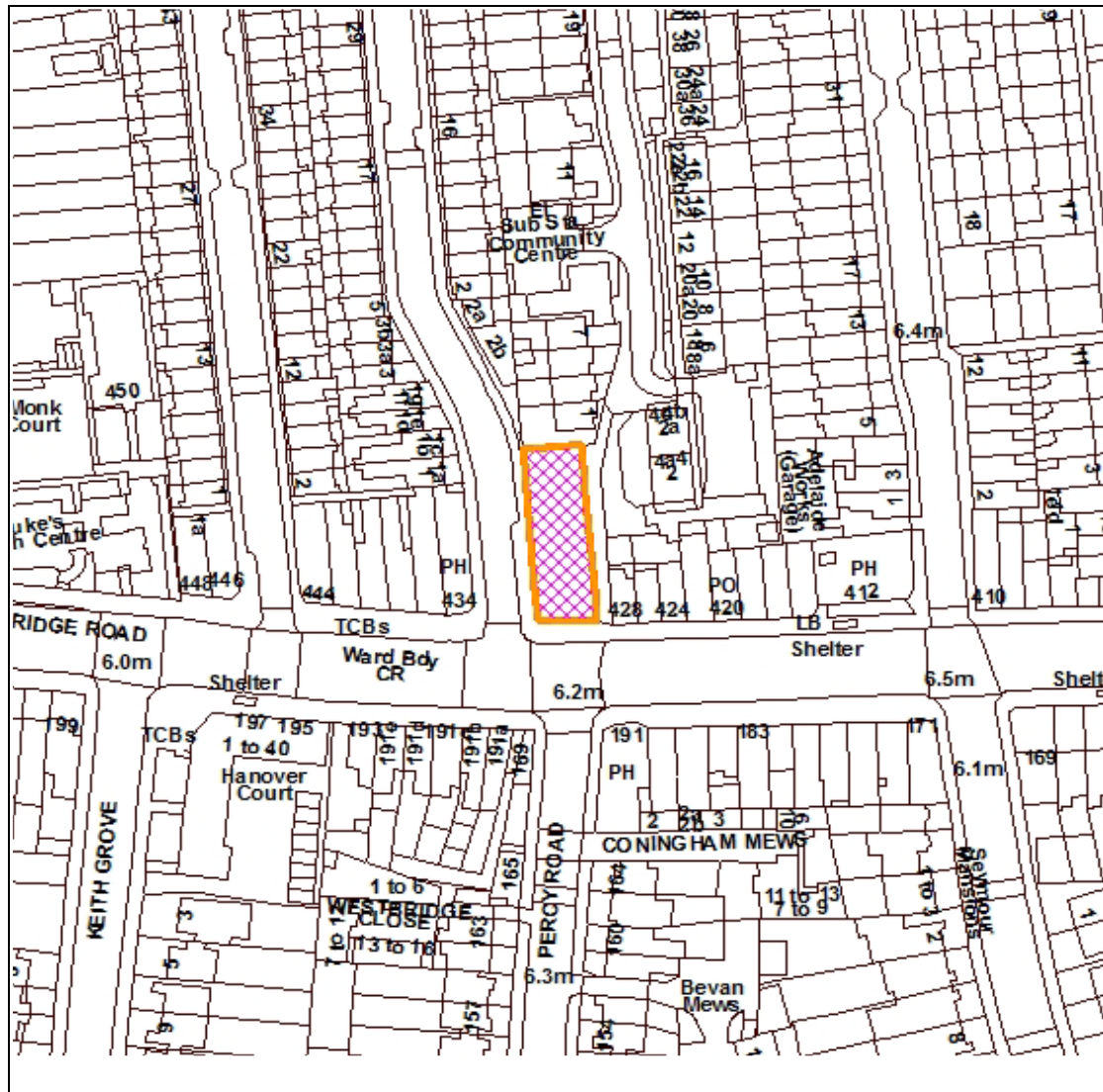


**Ward:** Wormholt And White City

**Site Address:**

430 - 432 Uxbridge Road London W12 0NR



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

**Reg. No:**  
2021/03899/FUL

**Case Officer:**  
Grace Harrison

**Date Valid:**  
06.12.2021

**Conservation Area:**

**Committee Date:**  
20.04.2022

**Applicant:**

Mr Wahid Mekhaiel  
C/o Agent Bizspace Courtwick Lane Littlehampton  
BN177TL

**Description:**

Erection of a four storey building to provide a Class E unit at ground floor level and nine flats at ground, first, second and third floor level with associated private and communal amenity space; and erection of cycle and refuse stores.

Drg Nos: PL-100 Rev D14; PL-101 Rev D11; PL-102 Rev D11; PL-103 Rev D12; PL-104 Rev D04; PL-301 Rev D14; PL-300 Rev D14; Dwg 00 97 100 Rev 01 'External Works 01'; Dwg 00 97 101 Rev 01 'External Works 02'; Dwg 00 97 102 Rev 01 'External Works 03'; 01 Rev B 'Detailed Planting Plan'; Dwg 00 20 100 Rev 03 'GA LVL 00'; Dwg ML 22500 Rev 02 'Internal Party Wall and Floor Details'.

**Application Type:**

Full Detailed Planning Application

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

**Conditions:**

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

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

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

PL-100 Rev D14; PL-101 Rev D11; PL-102 Rev D11; PL-103 Rev D12; PL-104 Rev D04; PL-301 Rev D14; PL-300 Rev D14; Dwg 00 97 100 Rev 01 'External Works 01'; Dwg 00 97 101 Rev 01 'External Works 02'; Dwg 00 97 102 Rev 01 'External Works 03'; 01 Rev B 'Detailed Planting Plan'; Dwg 00 20 100 Rev 03 'GA LVL 00'; Dwg ML 22500 Rev 02 'Internal Party Wall and Floor Details'.

In order 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 and DC2 of the Local Plan (2018).

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

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

- 4) No works above ground level shall commence until a sample panel of the proposed facing brickwork and hit-and-miss brickwork has been erected on site, inspected by Officers and approved in writing by the council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 5) No works above ground level shall commence until detailed drawings, at a scale of no less than 1:20, of each window bay type and all entrances in plan, section and elevation have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 6) No works above ground level shall commence until detailed drawings, at a scale of no less than 1:20, of the new shopfront in plan, section and elevation; and details of the proposed signage strategy, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

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

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

- 8) Prior to the installation of any plant and/or machinery, details shall be submitted to and approved in writing by the council, of the external sound level emitted from plant, machinery and/or equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery and/or equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise-sensitive premises, with all machinery operating together at maximum capacity. A

post-installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 9) The development shall be carried out and completed in accordance with the following details of sound insulation for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings:

- Dwg ML 22500 Rev 02 Internal Party Wall and Floor Details;
- 'Acoustical Design Advice for Compliance with Planning Conditions' July 2021 by Southdowns.

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

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

- 10) The development shall be carried out and completed in accordance with the following details of sound insulation of the floor/ceiling/wall structures separating the commercial parts of the premises from dwellings:

- Dwg ML 22500 Rev 02 Internal Party Wall and Floor Details;
- 'Acoustical Design Advice for Compliance with Planning Conditions' July 2021 by Southdowns.

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

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

- 11) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment submitted with this application (Edge Structures Ltd, February 2019); the SuDS Calculations (Edge Structures Ltd, received 21.11.19); and Site Operation and Maintenance Statement (Edge Structures Ltd, received 21.11.19). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

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

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

- 13) Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the council. Details shall include control measures for noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

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

- 14) The development shall be carried out and completed in accordance with the following details of hard and soft landscaping of areas external to the building, unless subsequent alternative details are first submitted to and approved in writing by the Council:

- Dwg 00 97 100 Rev 01 'External Works 01'
- Dwg 00 97 101 Rev 01 'External Works 02'
- Dwg 00 97 102 Rev 01 'External Works 03'
- 01 Rev B 'Detailed Planting Plan'
- Soft Landscape Works Maintenance and Management Proposals by Barry Chinn dated 08/03/21.

The development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and promote biodiversity in accordance with Policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality in accordance with Policy CC10 of the Local Plan (2018).

- 15) The development shall be carried out and completed in accordance with the Secured by Design Statement by Potter Church & Holmes Architects approved under application Ref. 2021/02370/DET, unless subsequent alternative details are submitted to and approved in writing by the Council. The development shall be

carried out and completed in full accordance with the approved details and permanently retained as such.

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

- 16) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing no. PL-100 Rev. D14. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development.

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

- 17) The development hereby approved shall be carried out and completed in accordance with the details of the proposed storage of 21 cycles (four long-stay in connection with the commercial unit, and 17 long-stay in connection with the residential units) as follows;

Dwg 00 97 100 Rev 01 External works 01  
Dwg 00 97 101 Rev 01 External works 02  
Dwg 00 20 100 Rev 03 'GA LVL 00'

The development shall not be occupied until the cycle storage provision has been made in accordance with the agreed details, and it shall be permanently retained and maintained for the life of the development.

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

- 18) The development shall be carried out and completed in accordance with the works and measures identified in the following reports:

- Phase 1 Land Contamination Assessment (Ecologia, Ref: EES 12.036.1v5, Dated 22nd November 2012); and  
- Geo-Environmental Site Investigation (Ecologia, Ref: EES 12.036.1V6. Dated 23rd November 2012).

All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site.

This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

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

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

- 20) Other than the areas explicitly identified on the approved drawings as a roof terrace, the roof of the extension hereby approved shall not be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof.

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

- 21) The development hereby approved shall be carried out and completed in accordance with the details of the green roofs to the bin and cycle storage, as follows:

Lightweight sedum system XF301, General maintenance document;  
Bauder XF301 Sedum blanket Specification

The approved scheme shall be implemented in accordance with the approved details prior to first use of the development hereby permitted, and thereafter permanently retained.

To ensure a satisfactory external appearance and ensure that surface water runoff is managed in a sustainable manner, in accordance with Policies CC2, CC3, DC1 and DC2 of the Local Plan (2018).

- 22) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residential use (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide concentrations are equal to or exceed 30ug/m<sup>3</sup> and the World Health Organisation Air Quality Guideline Values (2005) for Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intakes at rear roof level or on the rear elevation of all residential floors
- b) Details and locations of restricted opening windows (maximum 100 mm for emergency purge ventilation) for all habitable rooms (Bedrooms, Living rooms) on all residential floors
- c) Details and locations of all ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, in order to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with best practice guidance
- d) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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 Local Plan (2018) Policy CC10.

- 23) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 22 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Services Engineer (CIBSE). 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 Local Plan (2018) Policy CC10.

- 24) Prior to occupation of the development hereby permitted, details of the installation/commissioning certificate of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the nine self-contained residential units (Class C3) and the ground floor commercial unit (Class E) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 25) 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 Ultra Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to help mitigate



the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and Particulates (PM<sub>10</sub>, PM<sub>2.5</sub>) 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<sub>x</sub> 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 Local Plan (2018) Policy CC10.

- 26) 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 Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'D' and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
  - b. Demolition Site and Equipment Layout Plan
  - c. Inventory and Timetable of dust generating activities during construction site activities.
  - d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM<sub>10</sub> (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
  - e. Site Specific Dust, and NO<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
  - f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as included in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,
  - g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NO<sub>x</sub> and PM<sub>10</sub> emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the 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 NO<sub>x</sub> 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 CC10 of the Local Plan (2018).

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

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

- 28) The development hereby approved shall not be occupied until a Delivery and Servicing Plan for the commercial unit at ground and basement levels has been submitted to, and approved in writing by, the council. Thereafter, all deliveries and servicing shall be carried out in full accordance with the agreed details, for the life of the development.

To ensure satisfactory arrangements for deliveries to and servicing of the development to ensure these vehicle movements do not cause congestion or other unnecessary disruption to the local highways network, in accordance with Local Plan (2018) Policy T1 and Key Principle TR27 of the Planning Guidance Supplementary Planning Document (2018).

- 29) The development hereby approved shall not commence until details of the proposed soakaway system, including information to confirm that a site investigation has been carried out prior to designing the soakaway to demonstrate that the required level of infiltration can be provided by the soils on site. Confirmation of the design and location of the soakaway should be provided as well as details of the proposed maintenance measures. In the event of a soakaway not being feasible for the site, alternative Sustainable Drainage Systems (SuDS) shall be proposed and details provided for approval.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

- 30) The development hereby approved shall not be used or occupied until obscure glazing, to be installed up to a level at least 1.7 metres above finished floor level has been installed to the East-facing window to Bedroom 1 in Flat No. 4. The window in question shall also be fixed shut below a height of 1.7 metres above finished floor level. Thereafter, the development shall be permanently retained in this form thereafter.

To prevent harm to the existing residential amenities of the occupiers of neighbouring properties as a result of loss of privacy, contrary to Policies HO11 and CC11 of the Local Plan (2018).

- 31) The development hereby permitted shall be carried out in full accordance with the details contained within the Arboricultural Report submitted with this application (AP Arboriculture, APA/AP/2019/078/A dated 17 June 2019), and British Standard BS5837:2012 and with a suitably qualified Arboriculturalist present at all times to supervise the works.

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

- 32) Prior to commencement of the development, a Healthy Streets assessment in accordance with Transport for London guidance (including an Active Travel Zone assessment) shall be submitted to and approved in writing by the Council. The measures within the approved Healthy Streets assessment shall be implemented prior to first occupation of the development.

To ensure the adequate mitigation measures for cyclists and pedestrians in accordance with Policy T3 and T4 of the London Plan (2021) and Policy T1 of the Local Plan (2018).

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

- 1) 1. Land Use: The proposal would achieve a sustainable development by providing much-needed housing on previously developed land. The proposal would provide nine additional units of housing. The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2021) Policy D6 and Table 3.1, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC2 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan (2021) Policies D3 and D4 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The commercial use would not result in unacceptable noise and disturbance to nearby residents, subject to conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with in

accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policy D5 of the London Plan (2021).

6. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions, and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5 and T7 as well as CC7 and London Plan (2021) Policies T4, T5 and T6.

7. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

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

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

Application form received: 3rd December 2021

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document  
2018

### **Consultation Comments:**

#### **Comments from:**

Thames Water - Development Control

Crime Prevention Design Advisor - Hammersmith

#### **Dated:**

18.01.22

18.01.22

### **Neighbour Comments:**

#### **Letters from:**

1C Thorpebank Road London W12 0PG

1B Thorpebank Road London W12 0PG

68 Thorpebank Road London W12 0PQ

68 THORPEBANK ROAD London W12 0PQ

83 Thorpebank Road London W12 0PG

#### **Dated:**

01.02.22

01.02.22

19.01.22

19.01.22

21.02.22

## OFFICER'S REPORT

### 1.0 BACKGROUND

- 1.1 The application site is located on the northern side of Uxbridge Road, between Thorpebank Road to the West and No. 428 Uxbridge Road to the East, from which it is separated by a pedestrian alleyway that runs between Uxbridge Road and Willow Vale.
- 1.2 The site is vacant and enclosed by a temporary timber hoarding. The buildings that were formerly on the site were demolished in 2012-13, implementing a previous planning permission (Ref. 2012/00441/EFUL) that is still extant (see paragraph 1.6 of this report). More recently, planning permission for redevelopment of the site was granted in 2020 (Ref. 2019/01908/FUL). The current scheme is extremely similar to the 2020 permission, but sees the basement element of the proposal deleted. As a result of the reduced floorspace, the current application is no longer a Major application.
- 1.3 The site is not located within a conservation area. However, the buildings that were formerly on the site and have since been demolished were included on the council's Local Register of Buildings of Merit.
- 1.4 According to Transport for London's methodology, the site has a Public Transport Accessibility Level (PTAL) of 4, which is considered to be good. The nearest Underground station is Shepherd's Bush Market, which is about 10 minutes' walk from the site.
- 1.5 The site falls within the Environment Agency's Flood Zone 1 and is at low risk of flooding from the River Thames. However, flooding from surface water and sewer flooding are known issues in this area.
- 1.6 Relevant planning history for the site is as follows:

2019/01908/FUL - Erection of a four-storey building with basement to provide a Class A1/A2 commercial unit at ground floor and basement levels and nine flats at ground, first, second and third floor level with associated private and communal amenity space; erection of cycle and refuse stores. Approved at Planning and Development Control Committee January 2020.

2012/00441/EFUL - Renewal of Planning Permission 2008/03743/FUL granted 15 April 2009 for the erection of a part three, part four storey building to provide 169sq.m of A1 retail floorspace at ground level and nine flats (6 x 1 bed, 2 x 2 bed, 1 x 3 bed) with associated cycle parking and refuse storage, following demolition of all existing buildings on site. Approved.

2008/03743/FUL - Erection of a part three, part four storey building to provide 169sq.m of A1 retail floorspace at ground level and nine flats (6 x 1bed, 2 x 2bed, 1 x 3bed) with associated cycle parking and refuse storage, following demolition of all existing buildings on site. Approved.

1993/01101/FUL - Erection of a single storey extension to the front of No. 430; change of use of the whole of the ground floor of No. 430 from residential to retail

together with the conversion of the first floors of Nos. 430 and 432 each into one self-contained two bedroom flat the formation of a new window opening in the back addition of No. 432 and the creation of two vehicular accesses onto Thorpebank Road. Approved.

1961/00564/HIST - The erection on the forecourt to No. 430 Uxbridge Road of a single storey extension to the existing shop premises at No. 432 Uxbridge Road.

1960/00629/HIST - The establishment of a petrol filling station and the erection of a single-storey lubrication bay, sales and store building.

1.7 The current application is for the erection of a four-storey building to provide a Class E commercial unit at ground floor level and nine flats at ground, first, second and third floor level with associated private and communal amenity space; and the erection of cycle and refuse stores. The proposal is extremely similar to planning permission reference 2019/01908/FUL but sees the basement element deleted. Other minor changes to the approved 2020 scheme are as follows:

- Increase in floor-to-ceiling heights on first, second and third floor levels to 2500mm;
- Slight incline on roof of building to comply with Building Regulations; and
- Increase in height of the building by +635mm at roof level due to the above.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 The application was advertised by way of a site notice and an advert in the local press. Notification letters were also sent to 261 neighbouring properties.

2.2 Five public comments have been received, from Nos. 1B, 1C, 68 and 83 Thorpebank Road. The concerns and other points raised may be summarised as follows:

- Loss of light to neighbouring properties on Thorpebank Road;
- Overlooking of properties on Thorpebank Road;
- Environmental impact of additional traffic and parking stress on nearby roads;
- Refuse stores and added noise from nine additional properties would prevent them from peaceful enjoyment of neighbouring homes;
- Concern that it would be contrary to the stylistic context of the area;
- Any building should not exceed three storeys which is the prevailing building height on this part of the street;
- Will the scheme meet the necessary health and safety standards;
- Welcome that this site will finally be built on that will improve the overall quality of the community;
- Will improve the safety of people walking down Thorpebank Road.

2.3 Case Officer response: It is to be noted that this scheme is substantially similar to an extant planning permission that could be built out at any time. The previous scheme was approved at Planning and Development Control Committee in January 2020. Officers' assessment of the scheme at that time was set out in the Officer's report to Committee. Officers' assessment of the current scheme is set out in the report below and the material considerations raised in the objection comments are addressed. The comments in support of the application are noted.

## 2.4 Comments were received from the following external consultees:

Thames Water: Provided the drainage proposals are staying the same, no objection subject to the previous conditions and infomatives.

Metropolitan Police Crime Prevention: No objection provided Secured by Design principles are incorporated into the development. This can be secured by condition.

LBHF Land Contamination: No objection subject to conditions.

LBHF Noise and Nuisance: No objection subject to conditions.

LBHF Air Quality: No objection subject to conditions for an Air Quality Dust Management Plan, a ventilation strategy, zero emission heating and energy plant, an Ultra Low Emissions Strategy, and an aerobic food digester.

LBHF Environmental Policy Team: Some clarity required as to the SuDS proposals and the need for a soakaway now that the basement is no longer proposed.

## 3.0 PLANNING CONSIDERATIONS

3.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF, 2021), The London Plan (2021) and the Council's Local Development Framework, comprising the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018) are below. Since the approval of the previous 2020 planning permission, the new London Plan was adopted on 2 March 2021. The new policies are referred to in this report but Officers consider that they do not fundamentally change the assessment in any way.

- o The principle of the development, in land use terms;
- o The design and appearance of the development, including its impact on the street scene;
- o The contribution that the new units would make to the borough's housing stock, including the quality of the new accommodation to be provided;
- o The impact of development on neighbours' living conditions;
- o The impact of the development on parking demand and on the highway;
- o Environmental matters including air quality, flood risk, and land contamination;
- o Fire safety.

### LAND USE

3.2 The site is currently vacant following demolition of the previous buildings on the site in 2012-2013. The previous buildings comprised a ground floor retail unit with residential to the rear and above (three units in total).

3.3 As with the two extant planning permissions (Refs. 2012/00441/EFUL and 2019/01908/FUL) the proposal would provide a replacement ground floor retail unit, which would now be 138sqm, Officers consider that this would maintain the

vitality of the Neighbourhood Parade in which the application site sits, in accordance with Local Plan (2018) Policy TLC3.

- 3.4 In respect of the residential element of the scheme, Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. Of this, LBHF has a target to deliver 1,609 net additional dwellings per annum. The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1. The proposal would result in a net increase of 6 residential units (9 in total) which would contribute to the Borough's targets in accordance with the abovementioned policies. Officers therefore consider the proposed development to be acceptable in principle in land use terms. The proposed density of the residential development is approximately 211 units per hectare. London Plan (2021) Policy D3 moves away from numerical density ranges, and instead states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Officers consider that the proposal represents a comfortable residential density for the site, when design, quality and transport considerations are taken into account.
- 3.5 A key consideration in the assessment of the two extant planning permissions was whether there was a robust justification for the loss of the Buildings of Merit formerly on the site, in terms of whether the design quality of the replacement building justifies their loss. Although the buildings have now been demolished, the same needs to be considered as part of the current application. These issues are discussed within the report below.

#### DESIGN CONSIDERATIONS

- 3.6 Local Plan (2018) Policy DC8 and Key Principle BM2 of the Planning Guidance SPD (2018) states that development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artefacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit, unless:
- (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
  - (b) The proposed development would outweigh the loss or harm to the significance of the non-designated heritage asset; and
  - (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
  - (d) The existing building or structure has been fully recorded.



- 3.7 The application site is not located in a Conservation Area and following the earlier demolition of the buildings occupying the site, does not feature any statutory/non-statutory heritage assets. At the time the extant planning permission was granted, Officers considered that very little of the original fabric or form of the Buildings of Merit remained, and that they had lost much of their architectural integrity and quality through various extensions which had been added to the property over time. Officers were of the view that an opportunity existed for redevelopment to take place on the site, provided that the proposal, and in particular its design quality, satisfactorily justified the demolition of the existing Buildings of Merit on site. Although the buildings have now been demolished, it is important that the design quality of the proposed building is sufficiently high to justify the earlier loss of the Buildings of Merit.
- 3.8 Relevant Local Plan (2018) policies concerning the proposed design of the development include Policies DC1 and DC2, which state that all proposals must be designed to respect:
- a) the historical context and townscape setting of the site, and its sense of place;
  - b) the scale, mass, form and grain of surrounding development and connections to it;
  - c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
  - d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
  - e) good neighbourliness and the principles of residential amenity;
  - f) the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
  - g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
  - h) the principles of accessible and inclusive design; and
  - i) principles of Secured by Design.
- 3.9 The opportunity exists to repair the street frontage on Uxbridge Road with a replacement building which is of an appropriate scale, sympathetic to the relatively consistent height along this part of the street which continues the building alignment established by the adjoining Victorian terraces, and which recognises the townscape role of the site by completing the street scene on Uxbridge Road and as an individual building terminating the vista from Percy Road to the site.
- 3.10 The proposed red brick building would be four storeys in height on its elevation fronting Uxbridge Road and its return frontage onto Thorpebank Road. The fourth storey would take the form of a recessive attic floor set back from the strong parapet line at second floor level. The parapet and shoulder height align well with the existing eaves of the neighbouring properties on Uxbridge Road which are 3 storeys plus roof. Furthermore, the roof of the attic storey pitches back from its eaves on all sides, to reduce its visual prominence in longer range views from Percy Road, such that it will appear to meet the same ridge height as the neighbouring terrace. At 4 storeys, the building requires a lift core, and as such the lift overrun would be the only element to rise higher than the established roof heights. However, this is significantly pushed back into the floor plate, such that will not be visible in short and medium length views. Officers consider that the

proposed scale and height of the building would sit comfortably within the established height context along Uxbridge Road and would provide an appropriate response to the neighbouring buildings as well as the general surrounding street scene. The proposed increase in height, compared to the 2020 permission, amounts to 635 mm and is not considered to be significant in the context of the overall development.

3.11 The front facade of the proposed building is a modern interpretation of the Victorian design established on the street. The facade is ordered, with good proportions, symmetry and detailing to the bays. The south western corner is chamfered to mirror the Pocket Watch PH on the adjacent corner. The location, scale and materiality of the proposed shopfront is considered to be acceptable; a condition is proposed requiring compliance with the detailed plans provided of the shopfront at a scale of 1:20 to ensure a high quality of construction. The side elevation to Thorpebank Road is long, and follows the same design language established on the front elevation. However, the bays, with matching window proportions, are grouped and detailed with panels of hit-and-miss brickwork, which is an attractive feature and would ensure the side elevation is still well articulated but more subdued than the front elevation. Importantly, this elevation is a significant improvement on the approved scheme, which does not follow the same design language as the front façade and is predominantly render with extruded bays and small window openings. The rear of the proposed building uses the same set up of the bays and the side, but where the massing is reduced, a standing seam zinc cladding system is used, which also connects with and covers the attic storey. While closed from views, the western elevation onto the alleyway to Willow Vale is also constructed in brick and a standing seam system to the lift and stair. Lights have been added to this elevation to improve the safety of the alleyway.

3.12 As such, Officers consider that the design of the proposed building would be appropriate in the context of its setting and surroundings and would make an efficient use of the land. It's scale and bulk would be in-keeping with the traditional manner of corner buildings along Uxbridge Road and would have an acceptable relationship with the two adjacent PH building, as well as with the form and grain of the surrounding townscape. Officers therefore consider that the proposal be a successful replacement for the Buildings of Merit formerly on the site, and would accord with Criteria (a)-(f) of Local Plan Policy DC2. In respect of Criterion (i) which requires development to provide users with a safe and secure environment, a condition is proposed which requires compliance with details submitted in relation to how the design of the building will achieve Secured by Design Standards. Sustainability (Criterion g) and accessible and inclusive design (i) are considered separately in the report below.

## AFFORDABLE HOUSING

3.13 Affordable housing has an important part to play in ensuring that the whole of London's housing need is met. Paragraph 4.4.1 of the London Plan (2021) states that delivering more genuinely affordable housing is a key strategic issue for London and meeting the need for circa 43,500 affordable homes per year will require an increase in affordable housing contributions from all sources.

- 3.14 The benefits of securing social housing and creating mixed and balanced communities are well documented; and ensures that development is both economically and sociably sustainable in keeping with the aims of the National Planning Policy Framework (2021). To secure these benefits, Local Plan (2018) Policy HO3 seeks affordable housing on sites with the capacity for providing 11 or more self-contained units.
- 3.15 National policy guidance, the London Plan (2021) and the council's own policies all recognise that the actual amount of affordable housing that can be delivered at a site depends on, amongst other things, financial viability. An appropriate balance must be struck between securing the benefits of affordable housing, but not at the expense of threatening the viability of the residential scheme put forward. The proposed development provides nine residential units and therefore the Council needs to be satisfied as to whether the proposal is optimising the site appropriately and why affordable housing is not being provided.
- 3.16 No financial viability appraisal has been submitted with the application to demonstrate that it would not be viable to achieve at least two additional units on the site. However, Officers consider that the site dimensions and surrounding context are the determining factors to establish the most suitable building scale and layout, internal arrangement, and density configuration for this development. It is considered that the number of units on the site cannot be physically increased by a further two units to 11 without compromising the visual acceptability of the buildings, and the quality of accommodation for future occupiers. For example, whilst the floor area and layouts of all flats comply with the London Plan (2021) and Technical Housing Standards requirements, none of the flats are so generous that they could be split into smaller flats or reduced and reconfigured to provide an additional flat within the proposed building envelope. Reducing the size of the flats would result in unsatisfactory layouts or non-provision of private amenity space. Officers are satisfied that the units have not been oversized to avoid the requirement for affordable housing, and the number of flats within the envelope of the building could not be increased.
- 3.17 In terms of scale and massing, the proposed buildings are considered to be at an acceptable maximum. Specifically, the constraints to providing additional units on the site are as follows:
- The height and volume of the proposed building is limited by the need to maintain the outlook, sense of openness, privacy and daylight to nearby neighbours.
  - The height of the building is also limited by the need to respect the prevailing townscape and has been designed to match the height of the adjacent building at No. 428 Uxbridge Road. Officers do not consider it would be appropriate for the building to be any higher than this. It would not be permissible, therefore, to add an additional storey to accommodate additional flats.
  - It would not be possible to extend the building line any further rearwards due to the need to maintain sufficient external space at the rear to provide the necessary bin and cycle storage;
  - Officers consider it desirable to maintain a commercial unit on the ground floor, as the site is within a designated Neighbourhood Parade that is characterised by

commercial units on the ground floor with residential units above. It is not considered desirable for the whole of the ground floor to be given over to residential uses in this case.

3.18 In summary, it is considered that the submitted 9-unit mixed-use scheme represents the most effective and efficient use of this site whilst maximising development potential. The proposed scheme has been designed to take account of its local context and character in terms of appropriate scale and massing, the form and character of surrounding development and the historic grain and impact on neighbours, as well as complying with the council's standards on the size of residential units. Officers consider that it would not be appropriate in this case to include further units within the proposed development to meet the affordable housing threshold.

#### QUALITY OF ACCOMMODATION

3.19 All of the units would comply with London Plan (2021) and Technical Housing Standards - Nationally Described Space Standards (2015) internal space requirements, as follows:

- Flat 01 - 1B 2P - 69sq.m, external amenity space 7 sq.m.
- Flat 02 - 2B 4P - 71sq.m, winter garden 7 sq.m.
- Flat 03 - 2B 4P - 70 sq.m, winter garden 7 sq.m.
- Flat 04 - 2B 4P - 76 sq.m, winter garden 7 sq.m
- Flat 05 - 2B 4P - 71 sq.m, winter garden 7 sq.m
- Flat 06 - 2B 4P - 70 sq.m, winter garden 7 sq.m
- Flat 07 - 2B 3P - 63 sq.m, winter garden 6 sq.m
- Flat 08 - 2B 3P - 63 sq.m, winter garden 7 sq.m
- Flat 09 - 3B 5P - 93 sq.m, external amenity space 27 sq.m.

3.20 All of the units would benefit from some form of additional amenity space, although in most cases this is provided in the form of an internal 'winter garden' owing to air quality constraints to providing external terraces/ balconies. The exception is Flat 9, which benefits from an external balcony to the rear of the building above parapet level. This flat would be a family-sized (3 bedroom) unit and the terrace would be 27sq.m. Whilst this does not technically comply with the minimum 36sq.m recommended in Key Principle HS1 of the Planning Guidance SPD, it is considered to be acceptable in this instance, considering that 71sq.m. of shared amenity space is also available within the courtyard to the rear.

3.21 With regards to daylight to the new units, none are exclusively North-facing. Calculations provided by the applicant demonstrate that all but one of the proposed rooms meet the BRE guidance for Average Daylight Factor (ADF) test for internal diffuse daylighting (the guidance is 2% for a kitchen, 1.5% for a living room and 1% for bedrooms). The exception is the Living/Kitchen/Diner to Flat No.6 at second floor level, which has an ADF value of 1.47% (the BRE target is 2%). Overall, the proposals are considered to be acceptable, and this one relatively minor infringement is not considered to be a reason for refusal in this instance.

## ACCESSIBLE AND INCLUSIVE DESIGN

- 3.22 Local Plan (2018) Policy HO6 and Planning Guidance SPD (2018) Key Principles DA1-DA8 are relevant in respect of accessible and inclusive design. The development would provide level access compliant with M4(2) of the Building Regulations to all flats via a lift, and also includes one M4(3)-compliant wheelchair-adaptable unit at ground floor level which has direct step-free access from Thorpebank Road. The development is car-free, with no dedicated on-site parking however, on-street parking is available for Blue Badge holders on Thorpebank Road and the existing dropped kerb area could be used as a drop-off point for wheelchair users. A condition is proposed requiring the existing dropped kerb to be reduced in width, which would allow the existing street parking bay to be extended, helping to mitigate parking stress levels. However, it will be ensured that the dropped kerb could still be used for access by a wheelchair user.
- 3.23 The Hammersmith and Fulham Disability Forum commented on the previously approved application that the development appears to have been well thought through in respect of access but requested clarification of certain aspects. This information was provided, and the plans demonstrate that a refuge for wheelchair users in the event of an emergency is located within the stairwell. Within the wheelchair-adaptable unit, sufficient transfer space has also been identified on the plans which also confirm that adequate circulation space is provided in the bedroom.

## IMPACT ON NEIGHBOURING PROPERTIES

- 3.24 The properties that potentially stand to be most impacted by this development include; No. 434 Uxbridge Road (Pocket Watch Public House, and residential units above); Nos 1-1c Thorpebank Road; No. 1 Willow Vale; Nos. 2-4c Willow Vale; and No. 428 Uxbridge Road. In addition, concern has also been raised about the impact of the development on the Wild Thyme Café at No. 2b Uxbridge Road.

### Privacy:

- 3.25 There would be a series of windows at first, second and third floor levels on the Western elevation of the development which would serve habitable rooms and amenity spaces. A number of these would be positioned approximately 13 metres away from windows on the first and second floors of No. 434 Uxbridge Road, which is less than the minimum 18-metre separation distance suggested by Key Principle HS8 of the Planning Guidance SPD (2018). However, Officers consider that the relationship between these windows, on opposite sides of the street, would not be an unusual one (for example, there is a similar separation distance between the front windows of the terraced houses further along Thorpebank Road) and would not result in an unneighbourly degree of overlooking for the occupants of No. 434. Further towards the rear of the proposed development, the West-facing windows look over the flat roof of the Pocket Watch's rear extension, and there would be no overlooking impacts in this regard.
- 3.26 The windows and amenity spaces on the rear elevation of the proposed building would look North towards the terrace of houses at Nos 1.7 Willow Vale, which are immediately to the North of the proposed site. The flank (South) elevation of No. 1 does not have any windows, but the development will result in overlooking of the

rear gardens of these properties. These gardens are already overlooked by neighbouring properties and given the set-back of the rear building line from the site's Northern boundary, Officers are satisfied that any overlooking would not be unduly intrusive. The use of the remainder of the flat roof of the building as amenity areas would be restricted by condition in order to protect the amenities of surrounding occupiers.

3.27 In respect of Nos 2-4c Willow Vale, these residential properties have rear windows in the West elevation that appear to be habitable rooms and are therefore sensitive to overlooking from the proposed development, given the separation distance would be less than 14 metres. Only one window in the East elevation of the proposed development, at first floor level, would be problematic in this regard (Bedroom 1, Flat 04). This bedroom benefits from two windows, and therefore it is considered appropriate to attach a condition requiring the East-facing window to be obscurely glazed and fixed shut up to a height of 1.7 metres, as outlook for the bedroom would still be available from the other window. The loss of privacy to Nos. 2-4c Willow Vale would therefore be resolved.

3.28 There is also one window in the flank elevation of No. 428 Uxbridge Road at first floor level, and a bedroom window in the East elevation of the proposed development that faces it directly less than 4 metres away. However, a site visit highlighted that this window is obscurely glazed and appears to serve a bathroom, and therefore it is not considered necessary for the relevant window on the proposed development to also be obscured.

Daylight:

3.29 A key consideration in relation to neighbourliness is also whether the development would result in the reduction of daylight or sunlight to any surrounding properties to an unacceptable extent. The Building Research Establishment (BRE)'s guidance 'Site Layout for Daylight and Sunlight - A Guide to Good Practice 2011' ('the BRE guidance') advises that, in general, a building will retain the potential good interior diffuse daylight provided that on all its main faces no obstruction, measured in a vertical section perpendicular to the main face, from a point 2m above ground level, infringes an angle of more than 25 degrees to the horizontal.

3.30 The proposal would infringe the above test in relation to the ground floor of the adjacent Pocket Watch Public House, however the PH has an open plan layout with a number of windows located along its South and East elevations. As such, it is considered that a sufficient amount of daylight would still be achieved to the ground floor of the pub.

3.31 For the upper floors of the PH building, which are residential, the initial BRE 25-degree test would be infringed. As required, the applicant has submitted a Daylight and Sunlight Report carrying out the additional tests of Vertical Sky Component (VSC) and Daylight Distribution (DD), to assess the impact on daylight to these windows. In the interests of completeness, the following properties have also been tested, even where they do not infringe the BRE's initial 25-degree test:

- 2-4 Willow Vale
- 428 Uxbridge Road
- 434 Uxbridge Road
- 1-1a Thorpebank Road

3.32 The BRE guidance states that an adverse effect is likely to occur if the proposed VSC value is less than 27% and also less than 0.8 of the former (existing) value. The submitted report confirms that this would not occur, with all proposed results maintaining in excess of 0.8 times their former value. Furthermore, the proposed VSC values are above 27% in all but two cases. With regards to the Daylight Distribution (DD) test, the results confirm that in all locations, the proposed condition would remain above the recommended factor of 0.8 times its former value. Therefore the proposed development complies with the BRE guidance.

Sunlight:

3.33 The BRE guidance also provides a test to determine whether a proposed development would adversely affect levels of sunlight received to a property. However, this test is only applicable where the potentially affected window is positioned within 90 degrees of due south or where any South-facing window is the main window to a room. The only properties which are relevant for testing are 2-4 Willow Vale. The report states that, with regards to these properties, "in all but three locations, the windows face within 90 degrees of South would retain both annual and winter sunlight availability with values similar to the existing." The three exceptions include;

- W3 at ground floor with a winter sunlight value of 4% reduced to 2%,
- W4 at ground floor level with an annual sunlight value of 18% reduced to 12%;
- and
- W4 at first floor level with a winter sunlight value of 1% reduced to 0%.

3.34 In all three locations, the reduction is considered to be minor and would not amount to a significant difference in sunlight received. Officers are satisfied that the report is robust in terms of its methodology and conclusions and consider that there would be no significant impact on daylight and sunlight to neighbouring properties.

## HIGHWAYS IMPACTS, CYCLE PARKING AND REFUSE STORAGE

Deliveries and servicing arrangements:

3.35 Deliveries and servicing for the proposed commercial unit would take place from Uxbridge Road, in common with other commercial units nearby. A condition is proposed requiring a Deliveries and Servicing Management Plan in respect of the commercial unit, to be agreed with the council prior to occupation of the development, in accordance with Key Principles NN4 and NN5 (in respect of noise) and Key Principle TR24 (in respect of highways impacts).

Car-free development:

3.36 Policy T4 of the Local Plan (2018) requires all new development to conform to the car parking standards of the London Plan. The site has a good PTAL rating of 4

and in this case, it means that the development is expected to be car-free in accordance with Policy T4. No off-street parking would be provided for either the commercial or residential parts of the development. Prohibition of future residents to obtain parking permits is to be secured through section 16 of the Greater London (General Powers) Act 1974. This is to ensure the development would not result in harm to existing on-street parking stress levels and the amenities of local residents.

Bicycle parking:

3.37 The proposals provide space for 21 cycle parking spaces within the rear courtyard (four long-stay, associated with the commercial unit, and 17 long-stay, for the occupants of the new residential units) which would be accessed from Thorpebank Road. The number of spaces provided is in accordance with Policy T3 of the Local Plan (2018). A condition is proposed requiring compliance with the details supplied of the storage, to ensure the spaces are secure and convenient. The cycle storage is to be retained for the life of the development.

Refuse and recycling:

3.38 The proposal provides communal refuse and recycling storage within the rear courtyard area which is accessed from Thorpebank Road. Commercial and residential waste would be separated. It is also proposed for space to be provided for communal food waste collection, should this service be offered by the council in future. Whilst there is step-free access to the communal bin store for the wheelchair-adaptable unit at ground floor level, it may be more appropriate for the occupant of this unit to place their bags on the highway immediately outside the unit on collection day.

3.39 Key Principle WM7 of the Planning Guidance SPD (2018) contains the formula for calculating the required capacity per household for communal storage. For this development, the capacity requirement is 2,070L (to be split equally between refuse and recycling). There should also be space for the introduction of a 240L food bin. The requirements are amply met by the proposed bin store for the residential development, which would house 6 1100L Eurobins.

3.40 With respect to the commercial waste, Key Principle WM9 states that "sufficient space should be designed in to accommodate the appropriate number of bins or bags, for both recyclables and non-recyclable waste and to meet the specific needs of the potential user." The proposed commercial waste store, which is separate from the residential store, provides for two 1100L Eurobins to serve the commercial unit. Given there is a substantial over-provision of capacity for the residential element of the development, it may be possible to adjust the stores in future if more space is required for the commercial unit.

## CONSTRUCTION IMPACTS

3.41 Concern has been raised by local residents with regards to the impact of the construction phase on nearby properties, including the cafe at No. 2 Thorpebank Road, which has a small external seating area adjacent to the development site. In order to mitigate any adverse impacts as far as possible, a condition is proposed requiring a Construction Management Plan to be agreed with the council prior to



works commencing on site, including controls on matters including noise, vibration, lighting, delivery locations, and restriction of hours of work. Whilst it may not be possible to completely avoid any impact on the external seating area of the cafe, the impacts will be short-term, mitigated as far as possible, and would not be a reason for refusal of the application.

- 3.42 A condition is also proposed requiring a Construction Logistics Plan (CLP) to be submitted and agreed with the council prior to works commencing on site, to ensure that the construction phase does not adversely impact on local highways, in accordance with Policy T7 of the Local Plan (2018).

#### FLOOD RISK AND SUSTAINABLE DRAINAGE

- 3.43 The site is within the Environment Agency's Flood Zone 1 indicating low risk of flooding from the Thames. However, surface water and sewer flood risk are known issues in the borough. A Flood Risk Assessment (FRA) has been provided with the application to assess these risks. The FRA confirms that appropriate structural waterproofing measures will be integrated to protect against groundwater flood risks.

- 3.44 With regards to surface water flood risk, the site is not within a surface water flooding hotspot, although there are some in neighbouring streets. The redevelopment of the site provides an opportunity to improve the management of surface water. The FRA considers the use of sustainable drainage systems, and identifies that rainwater harvesting would be suitable. The sizing and design of the proposed soakaway system will be undertaken during the detailed design phase, and a condition is proposed requiring further details of the proposed system, including information to confirm that a site investigation has been carried out prior to designing the soakaway to demonstrate that the required level of infiltration can be provided by the soils on the site. Details of the proposed maintenance measures for the soakaway system are also required by the condition.

#### AIR QUALITY

- 3.45 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of very poor air quality that exceeds the annual mean AQO for NO<sub>2</sub> due to the road traffic emissions from Uxbridge Road. The development, and will introduce new residential receptors into an area of very poor air quality. The construction and operation of the development also has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. As such, further mitigation measures will be required to make sure the development is acceptable in accordance with Policy CC10 of the Local Plan (2018) and London Plan (2021) Policy SI 1. Conditions are proposed regarding a Ventilation Strategy; a Ultra Low Emission Strategy; Low Zero emission gas Air Source Heat Pumps/Electric boilers; and an Air Quality Dust Management Plan.

#### LAND CONTAMINATION

- 3.46 Planning records indicate that this site was formerly associated with a motor works and petrol filling station and accordingly Officers recommend that a condition is imposed requiring compliance with the Land Contamination reports previously

approved in relation to the extant 2020 approved scheme, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018).

## TREES

3.47 There are three trees within the vicinity of the site that stand to be affected by the development (two street trees on Thorpebank Road, and one tree within the rear garden of No. 1 Willow Vale). None of the trees are protected by a Tree Preservation Order (TPO). All are proposed to be retained. A condition is proposed recommending compliance with the submitted Arboricultural Report, to ensure that no harmful impacts occur to the trees, in accordance with Policy OS5 of the Local Plan (2018).

## PLANNING OBLIGATIONS/ LEGAL AGREEMENT

3.48 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, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan (2021) Policy DF1 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.

3.49 In this instance, site-specific planning obligations would be included in the S106 agreement and would include the following:

- Prohibition of future residents to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974;
- A contribution of £13,875 towards Employment, Training and Skills and local procurement in the borough;
- A S278 legal agreement relating to the costs of altering the crossover on Thorpebank Road.

## COMMUNITY INFRASTRUCTURE LEVY

3.50 This development would be subject to a London wide community infrastructure levy. The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This contributes towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan (2021) Policy DF1 and is chargeable in this case at £80 per sqm uplift in floorspace (GIA) regardless of the use.

3.51 It is estimated that the proposed development would generate a Mayoral CIL contribution of approximately £94,800 (plus indexation).

3.52 Additionally, the Council collects its own CIL and this development would be liable.

It is estimated that the proposed development would generate a Borough CIL contribution of £86,700 (plus indexation) for the residential use and £25,440 (plus indexation) for the retail use.

#### 4.0 CONCLUSIONS AND RECOMMENDATION

4.1 For the reasons given above, it is considered that the proposal would be of an acceptable appearance that would justify the loss of the previously existing Buildings of Merit which were accepted to have lost much of their architectural integrity and quality before they were demolished. The design of the building would be appropriate in the context of its surroundings and would not have a detrimental impact upon the existing residential amenities of surrounding occupiers or on traffic generation in the area. The proposal would result in a net increase in the provision of residential accommodation and would provide an acceptable standard of accommodation for its occupiers. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with the relevant policies of the London Plan (2021) and Policies HO1, HO3, HO6, DC1, DC2, DC8, T3, T4, T7, CC1, CC2, CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

4.2 Officers recommend that:

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.

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