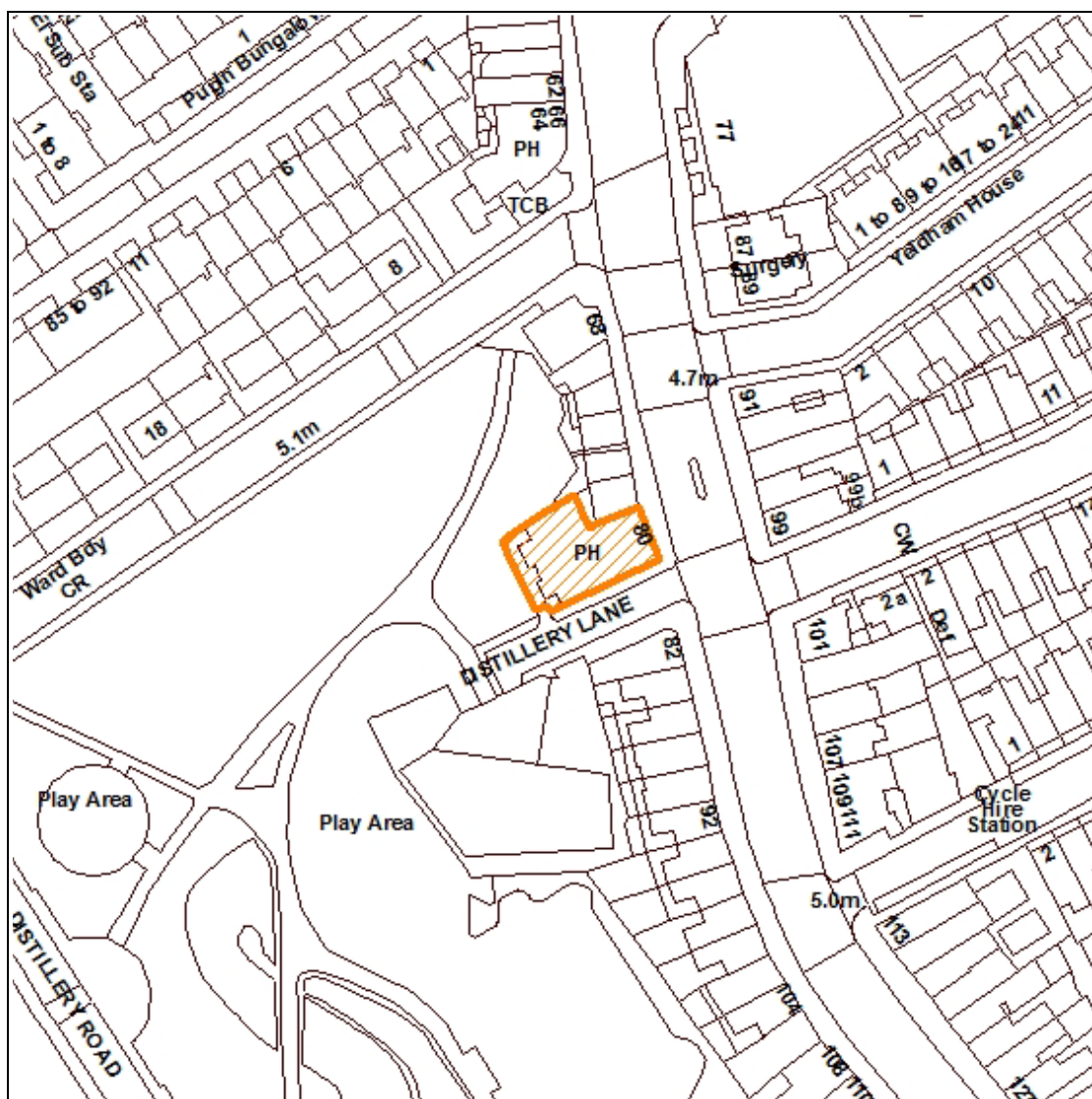


Ward: Hammersmith Broadway

Site Address:

80 Fulham Palace Road, London W6 9PL



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2021/03522/FUL

Case Officer:
Sinead Winship-David

Date Valid:
17.11.2021

Conservation Area:
Constraint Name: Crabtree Conservation Area -
Number 28

Committee Date:
05.07.2022

Applicant:

C/o Agent

Description:

Demolition of the existing building except retention of existing front and side facades; and erection of a 3 storey plus basement and mansard roof hotel and reprovision of public house.

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 below;
- 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. Time Limit

The development hereby permitted shall not commence later than 3 years from the date of this decision.

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

2. Approved Drawings

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

2000a; [All received February 2022]: 1999; 2001; 2002; 2003; 2004; 3000; 3001; 3002; 3003; 4000; Energy Assessment (dated 28/01/22, issue no. 4); Arboricultural Impact Assessment & Method Statement (dated 13/10/2021); Ventilation Strategy (dated 21/10/2021, issue no. 1); Air Quality Assessment (dated 21/10/2021, issue no. 1); Sustainability Statement (dated 26/10/2021, issue no. 2); Noise impact and exposure assessment (ref.16888-NEA-01 Rev A; dated October 2021); Outline Construction Logistics Plan (dated October 2021); Draft Delivery and Servicing Management Plan (dated October 2021); Drainage Strategy (dated October 2021); Waste Management Plan (dated October 2021); Transport Statement (dated October 2021); Draft Travel Plan (dated May 2020,

Rev A); Transport Response Note, prepared by Caneparo Associates (dated June 2022); 80 Fulham Palace Fire Statement (Prepared by Marshall Fire Ltd, Dated 21 June 2022, Rev 01); Flood Risk Assessment (prepared by GeoSmart Information Ltd, ref. 75210R1)

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

3. Demolition Method Statement and Construction Management Plan

Prior to commencement of the development hereby permitted, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of 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. Demolition and Construction Logistics Plan

The development hereby permitted shall not commence until a detailed Demolition and 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.

The CLP shall include, but not be limited to, the following details:

- (i) site logistics and operations;
- (ii) construction vehicle routing;
- (iii) details of the estimated number, size and routes of construction vehicles per day/week
- (iv) details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI;
- (v) details of the access and egress arrangements of delivery locations on the site;
- (vi) details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- (vii) efficiency and sustainability measures to be undertaken for the works
- (viii) membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CLP. Approved details shall be fully implemented and retained and maintained

throughout the construction phase of the development.

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

5.AQDMP – Demolition Phase

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 submitted shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
- 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 Site Action Level (SAL) of 190 µg/m³, measured as a 1-hour mean, 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 NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the 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_x rating A) and Euro VI

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

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

6. AQDMP – Construction Phase

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors 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 the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall High Dust Risk Rating of the site and shall be in a table format.
- 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 Site Action Level (SAL) of 190 µg/m⁻³, measured as a 1-hour mean, 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 NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI

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

Contamination (7-12)

7. Preliminary Risk Assessment

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

8. Site Investigation Scheme

No development shall commence within the development until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface, and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

9. Quantitative Risk Assessment Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the

preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

10. Remediation Method Statement

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

11. Verification Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include:

details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement.

If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) 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 Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report.

All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

12. Onward Long-Term Monitoring Methodology

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

13. Thames Water Infrastructure – Piling Method Statement

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

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

14. Thames Water Infrastructure – Water Mains

No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in full accordance with the approved details.

Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

15. Flood Risk Assessment

The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment (prepared by GeoSmart Information Ltd, ref. 75210R1). No part of the development shall be used or occupied until all flood prevention and mitigation measures, including a water exclusion and water entry strategy to prevent a risk to life in the event of fluvial flooding, have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

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

16. Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by Marshall Fire Ltd, Dated 21 June 2022, Rev 01). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

Conservation and Design (17-22)

17. Build Contract

No demolition pursuant to the development hereby permitted shall take place until a build contract for the redevelopment of the site in accordance with this planning permission has been entered into, and a copy has been submitted to and approved in writing by the Local Planning Authority.

Written notice of the demolition works shall be submitted to the Local Planning

Authority prior to the commencement of the relevant works.

Reason: To ensure the protection and re-provision of the building which is a positive contributor to the Crabtree Conservation Area and to avoid harm to the heritage asset and wider streetscene that would otherwise arise in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

18. Façade Method of Protection

Prior to commencement of demolition, details of the method of protection and structural support of the retained facades of the building during demolition and construction works to be submitted to and approved in writing by the Local Planning Authority.

The demolition works and development shall be implemented in full accordance the approved details.

Reason: To ensure the protection of the building which is a positive contributor to the Crabtree Conservation Area and to avoid harm to the heritage asset and wider streetscene that could arise in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

19. Material Samples

Prior to the commencement of the relevant works, full details of all materials and a sample panel shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Crabtree Conservation Area in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

20. Extension Materials and Making Good

Notwithstanding the provisions of Condition 19, the rear extensions hereby approved shall incorporate salvaged bricks where possible. Where new bricks are required, these shall be London Stock brickwork to match the existing in terms of colour, texture and bond of the original brickwork in the elevation to which it relates.

The roof slopes hereby approved shall be clad in natural slates.

Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Crabtree Conservation Area in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

21. No Other Alterations

No external rainwater goods, air-conditioning units, ventilation fans, extraction

equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Crabtree Conservation Area in accordance with Policies DC1 DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

22. Detailed Drawings

Prior to the commencement of relevant works, drawings at a scale of 1:20 in plan, section and elevation of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Crabtree Conservation Area in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

23. Ventilation Strategy

Prior to commencement of above ground works of the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel use shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m⁻³, 20ug/m⁻³ and 10 ug/m⁻³ respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all floors
- b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, in order to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017
- c) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with ventilation 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 of the hotel use hereby permitted and thereafter permanently retained and maintained.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

24. Ventilation Strategy – Compliance

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

Approved details shall be fully implemented prior to the occupation of the hotel use hereby permitted and thereafter permanently retained and maintained.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

25. Zero Emissions Heating & Energy Plant – Compliance

Prior to occupation of the relevant part of the development hereby permitted, details of the installation/commissioning certificates 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 Hotel and Public House uses shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

26. Low Emission Delivery & Servicing Plan

Prior to occupation of the relevant part of the development hereby permitted, details of a Low Emission Delivery and Servicing Plan for each the Hotel and Public House use shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a)** Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle, (4) Alternative Fuel e.g., CNG, Hydrogen,
- b)** Frequency of deliveries and collections
- c)** Reduction and consolidation of deliveries and collections e.g., Waste,
- d)** Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 16:00-19:00 hrs;
- e)** Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries
- f)** Vehicle movements, and operations of the loading bay (s) as identified on the approved drawings

- g)** Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018,

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

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

27. Aerobic Food Digesters

Prior to occupation of the Hotel or Public House uses in the development hereby permitted, details of the installation of Aerobic Food Digesters (AFD) 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.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

28. Waste Management

Prior to the first occupation of the public house hereby permitted, full details of the dedicated refuse and recycling store shall be submitted to and approved in writing by the Local Planning Authority.

No part of the hotel hereby permitted shall be occupied prior to the provision of the waste storage as shown on approved drawing no. 2000 (received February 2022) and in accordance with the details within the approved Waste Management Plan (prepared by Caneparo, dated October 2021).

The refuse and recycling storage for each use shall thereafter be permanently retained and maintained.

Reason: To ensure adequate provision for refuse and recycling within the development in accordance with Policy CC7 of the Local Plan (2018).

29. Cycle Storage

Prior to the first occupation of the development hereby permitted, the employee cycle storage at basement level, shown on approved drawing no. 1999 (received February 2022) shall be installed in full accordance with the approved details.

The employee cycle storage shall thereafter be permanently retained and maintained.

Reason: To ensure adequate provision of cycle storage for employees in accordance with Policy T5 of the London Plan (2021).

30. Delivery and Servicing Plan

Prior to the first occupation of each use hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement at the site entrance and throughout the development. The DSP shall demonstrate that all servicing and deliveries shall take place from existing loading bays on Fulham Palace Road.

The approved measures shall be implemented and thereafter retained for the lifetime of the development in the relevant part of the site.

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

31. Inward Opening Doors

Notwithstanding any indication given on the approved plans, all external doors shall open inwards only.

To prevent an obstruction to the safe movement of pedestrians and vehicles in accordance with Policy T1 of the Local Plan (2018).

32. Secured by Design

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific Security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

To ensure that the development maintains and enhances community safety in accordance with Policy DC2 of the Local Plan (2018).

33. Restricted use (Public House)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders revoking and re-enacting those orders with or without modification) the part of the building hereby approved as public house (sui generis) shall not be used for any purpose.

Reason: To ensure the protection of the public house use in accordance with Policy HC7 of the London Plan (2021), Policy TLC7 of the Local Plan (2018) and Paragraph 93 of the NPPF (2021).

34. Public House – Opening Hours

Customers are not permitted on the public house premises other than within the following times:

07:00 Hours to 23:00 Hours – Monday to Saturday

07:00 Hours to 22:30 Hours – Sundays, Bank Holidays or Public Holidays

Reason: To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policy CC11 and HO11 of the Local Plan (2018).

35. Accessibility

No less than 10% of the total hotel bedrooms hereby approved shall be fully accessible for wheelchair users and designed in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 (or any such subsequent version of this guidance).

A further 10% of hotel bedrooms shall be designed and capable of adaptation to the requirements of 19.2.12 of British Standard BS8300-2:2018.

The hotel bedrooms shall thereafter be permanently retained in this arrangement.

Reason: To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policy E10 of the Local Plan (2018).

36. Customer Management Plan

The public house hereby permitted shall not be occupied until a customer management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from live and amplified music (including the screening of sporting events and public address systems), details of a designated smoking area and minimising the effects of patrons coming and going from site and demonstrating how customers leaving the building will be prevented from causing nuisance for people in the area, including guests of the hotel hereby permitted. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policy CC11 and HO11 of the Local Plan (2018).

37. Sound Insulation – building envelope

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

38. Odour Abatement

Prior to commencement of relevant works, 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.

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

39. Sound insulation – adjacent uses

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwelling or noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w} + C_{tr}$ [and $L'_{nT,w}$] is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

40. Amplified Noise

Neither music nor amplified or loud voices emitted from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

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

41. Acoustic Lobbies

Prior to commencement of above ground works, details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

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

42. External Noise - plant

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

Reason: To ensure that the amenity of occupiers of the 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).

43. Artificial Lighting

Prior to the first use 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained

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

44. Outdoor seating

No outdoor seating associated with the public house hereby approved shall be placed on the public highway. No tables or chairs shall be made available for customers externally, including moveable furniture.

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

45. Bi-folding doors – Distillery Lane

The bi-folding doors to the ground floor Distillery Lane elevation hereby approved shall not be open other than between the hours of 08:00 – 21:00 daily.

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

Justification for Approving the Application:

- 1) Land Use – the application has demonstrated that the existing public house use will be protected and can continue to operate viably. The small-scale hotel is considered appropriate for this location. The proposal accords with Paragraph 93 and 187 NPPF, Policy HC7 and E10 of the London Plan and Policy E3 and TLC7 of the Local Plan.
- 2) Design & Conservation – the proposal would serve to preserve the character and appearance of the wider Crabtree conservation area, and the setting of nearby designated and non-designated heritage assets in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).
- 3) Residential Amenity – The impact of the proposed development upon nearby residential occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook/privacy or noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11, CC13, HO11 and DC2 of the Local Plan (2018)
- 4) Highways – Subject to conditions and obligations, the scheme would not have an adverse impact upon the highway network or parking stress. Satisfactory provision shall be made for cycle parking and refuse storage. The proposal accords with Policy T4, T5 and T6 of the London Plan and Policy T1, T3, T4, T5 and T7 of the Local Plan.
- 5) Environmental – The proposal would meet and exceed London Plan requirements for carbon emission reductions through the implementation of a number of energy efficiency and sustainable measures. Improvements to Frank Banfield Park have been secured by way of obligation. Flood mitigation will be secured by way of condition along with the necessary land contamination investigations. Subject to these conditions, and a financial contribution, the proposal would accord with Policy G7, SI2 and SI4 of the London Plan and Policy OS1, OS5, CC1, CC2, CC9, CC13 of the Local Plan.

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

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

Application form received: 1st November 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:	Dated:
Thames Water - Development Control	25.11.21
Environment Agency - Planning Liaison	29.03.22
Crime Prevention Design Advisor - Hammersmith	13.12.21
Transport For London - Land Use Planning Team	13.12.21
Winslow Road Amenity Group	19.12.22
Winslow Road Amenity Group	10.05.22
Winslow Road Amenity Group	04.05.22
Friends of Frank Banfield Park	10.05.22
Friends of Frank Banfield Park	09.05.22
Friends of Frank Banfield Park	04.05.22

Neighbour Comments:

Letters from:	Dated:
76A Fulham Palace Road London W6 9PL	17.12.21
76A Fulham Palace Road London W6 9PL	17.12.21
76A Fulham Palace Road London W6 9PL	01.12.21
78A Fulham Palace Road London W6 9PL	11.01.22
78a Fulham Palace Road London W69PL	19.01.22
78A Fulham Palace Road London W69PL	17.01.22
78A Fulham Palace Road London W6 9PL	09.01.22
78A Fulham Palace Road London W6 9PL	09.01.22
11 Beryl Road London W6 8JS	19.02.22
74 Beryl Road London W6 8JT	06.12.21
21 Winslow Road London W6 9SF	19.12.21
21 Winslow Road London W6 9SF	04.05.22
27 Winslow Road London W6 9SF	10.05.22
8 Beryl Road London W6 8JT	17.01.22
73 bath road Hounslow TW3 3BN	06.02.22
The Vicarage Thames Street TW16 6AA	18.01.22

71 King Henrys Reach Manbre Road London W6 9RH	09.05.22
90 St Dunstan's Road London W6 8RA	10.12.21
102 St Dunstan's Road London W6 8RA	10.12.21
110 St Dunstan's Road London W6 8RA	10.12.21
110 St Dunstan's Road London W6 8RA	10.12.21
110 St Dunstan's Road London W6 8RA	10.12.21
118 St Dunstan's Road London W6 8RA	10.12.21
128 St Dunstan's Road London W6 8RA	10.12.21
9 Winslow Road London W6 9SF	10.12.21
13 Winslow Road London W6 9SF	10.12.21
15 Winslow Road London W6 9SF	10.12.21
45 Winslow Road London W6 9SF	10.12.21
59 Winslow Road London W6 9SF	10.12.21
98 Fulham Palace Road London W6 9PL	10.12.21
70 Fulham Palace Road London W6 9PL	10.12.21
56 Fulham Palace Road London W6 9PH	10.12.21
111 Fulham Palace Road London W6 8JA	10.12.21
111 Fulham Palace Road London W6 8JA	10.12.21
115 Fulham Palace Road London W6 8JA	10.12.21
119 Fulham Palace Road London W6 8JA	10.12.21
7 Beryl Road London W6 8JS	10.12.21
8 Beryl Road London W6 8JT	10.12.21
43 Beryl Road London W6 8JS	10.12.21
43 Beryl Road London W6 8JS	10.12.21
18 Chancellor's Road London W6 9RS	10.12.21
22 Chancellor's Road London W6 9RS	10.12.21
24 Chancellor's Road London W6 9RS	10.12.21
44 Fulham Palace Road London W6 9PH	10.12.21

Main Report

1. Site and Surroundings

- 1.1. The application site comprises a vacant end of terrace, mainly two-storey public house (sui generis) with a basement cellar located on the western side of Fulham Palace Road at its junction with Distillery Lane. The premises ceased trading in March 2020 due to mandatory Covid-19 closures and has not reopened.
- 1.2. The ground floor and cellar were used as a public house. The upper floor has a 5-bedroom residential unit which was used as ancillary accommodation to the public house.
- 1.3. Immediately to the rear of the site is Frank Banfield Park. The site is within the Crabtree Conservation Area but the building itself is not statutory or locally listed. The site is also within Flood Risk Zone 3, with high residual risk and the Thames Policy Area. Fulham Palace Road is a London Distributor Road. The site is within a designated satellite shopping parade.



Figure 1 - site as existing, viewed from Fulham Palace Road

2. Planning History

- 2.1. 1983/00640/FUL - Erection of single storey rear extension and timber screen for paladin enclosure. Application approved.
- 2.2. 1994/00738/FUL - Alterations to elevations to provide new 'pub front' including new entrance doors and alterations to windows. Application approved.
- 2.3. 2002/02065/FUL - Erection of a canopy over main entrance; alterations to front elevation including the glazing and the fixing of six black galvanised planters at first floor level and installation of external floodlights to front and side elevations

at first floor level. Application approved

2.4.2007/03978/FUL - Formation of a new opening with glazed double doors; installation of two retractable awnings to rear elevation, alterations to the rear boundary. Application approved.

3. Proposals

3.1. The application seeks full planning permission for:

Demolition of the existing building except retention of existing front and side facades; and erection of a 3 storey plus basement and mansard roof in connection with a hotel (40 -bedrooms) and the reprovision of public house.

3.2. The application includes an enlargement of the existing basement and a traditional mansard roof extension. The front and side facades would be retained.

3.3. The proposed public house (sui generis) would be located at part of the ground floor and basement and hotel (use class C1) would be across the remaining floor areas.



Figure 2 - Proposed side (Distillery Lane) elevation

4. Publicity and Consultation

Pre-application Consultation

4.1. The applicant undertook a programme of public prior to the submission of this application. The applicant sent 1,500 invitations to a consultation event – the invites included details of a website that provided further information on the proposal. In total 22 residents attended the event, including representatives from

local amenity groups. In response, the applicant received feedback both by email and from questionnaires provided at the consultation event. The Statement of Community Involvement submitted with the application summarises the feedback and notes the following:

- 82% of respondents supported the retention of a public house and the provision of a new hotel.
- 89% supported the design approach
- 84% supported the proposed development.
- Residents raised concerns about overlooking from the hotel towards Millie's Nursery on Distillery Lane which has been addressed through the introduction of obscure glazing.
- Further information was also requested by a freeholder regarding the impact of the development on their property.

4.2. The applicant contacted Fulham Reach ward councillors and local amenity groups. The applicant committed to ongoing engagement with the Friends of Frank Banfield Park in response to representations received. The pre-application consultation took place prior to the ward boundary changes in 2022 and the site was previously within the Fulham Reach ward.

4.3. The applicant sought formal pre-application advice from Officers at Hammersmith and Fulham prior to the submission of this application. Officers advised that marketing evidence would be required to demonstrate the on-going viability of the public house. The applicant has provided evidence of the marketability of the proposed replacement public house in response to Officer's comments.

Formal Consultation

4.4. In addition to site and press notices, notification letters were sent to 187 neighbouring properties. 11 objections were received, along with one comment in support and one representation that neither objected nor supported the proposals.

4.5. The objections are summarised as follows:

- Impacts on neighbouring amenity (daylight, sunlight, outlook, privacy)
- Parking and traffic impacts
- Disturbance during construction period
- Overdevelopment, resulting noise and disturbance

4.6. Additionally, officers have received 27 template letters of support signed by local residents. These letters were submitted by the applicant and were collected by their communications consultant.

4.7. The Friends of Frank Banfield Park have submitted three comments in support of the proposal, welcoming the contribution that has been secured for improvements to the park. Two of these comments were also submitted in the individual's capacities as representatives of Winslow Road Amenity Group. Although the Winslow Road Amenity Group initially raised separate concerns regarding traffic and noise impacts, officers have worked with the applicant to overcome these to secure mitigation and improvements to the scheme.

External & Statutory Consultees

4.8. Thames Water – no objection subject to conditions

4.9. Environment Agency – no objection

4.10. Metropolitan Police (design out crime) – no objection subject to a condition

4.11. Transport for London – no objection subject to conditions

5. Policy Context and Planning Considerations

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. 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).

5.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.

National Planning Policy Framework (NPPF)

5.3. The NPPF (2021) 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.

5.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

The London Plan

5.5. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

The Local Plan

5.6. The Council adopted the 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.

Planning Considerations

5.7. The main planning considerations in the assessment of this application include the following:-

- The protection of the existing public house and the ongoing viability of its replacement
- The principle of a hotel use on the site
- Impact on the character and appearance of the host building and the Crabtree Conservation Area
- Residential amenity of neighbouring occupiers
- Highways impacts

Planning Assessment

6. Land Use

Loss of public house floorspace

6.1. Public houses are protected by policy in both the Local Plan and the London Plan as well as within the NPPF.

6.2. **Paragraph 93 of the NPPF** advises that planning decisions should provide the social, recreational and cultural facilities and services the community needs, including public houses.

6.3. **Policy HC7 of the London Plan** requires planning decisions to protect public house and states that applications that propose their loss should be refused. This is unless there is authoritative marketing evidence that demonstrates there is no realistic prospect of the building being used as a pub in the foreseeable future. Part (c) of Policy HC7 states that proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

6.4. **Policy TLC7 of the Local Plan** sets out the considerations that apply when assessing an application for the redevelopment of a public house. The ongoing viability of the public house is a key consideration, along with the design, character and heritage value of the building.

6.5. The public house, as existing, comprises a trading area, bar and kitchen at ground floor level, storage and a further kitchen at basement level and a four bedroom staff accommodation at first floor level. The staff accommodation is ancillary to the public house and is not a C3 dwelling. The total floor area of the public house is 524sqm (including the ancillary accommodation) or 372sqm when considering only the basement and ground floor area. The pub is understood to have closed in March 2020 in line with mandatory Covid-19 restrictions and has not reopened since that time.

6.6. The public house would be re-provided within the development across part of the basement and ground floors. The pub would be accessible from the street and customers would not need to enter the hotel to access the pub. Although the

overall floor area of the replacement pub (248 sqm) would be reduced, it is more pertinent to consider whether the pub provided would remain viable long-term. A key consideration is the provision of ancillary features that contribute towards the viability of the pub. In this instance, a kitchen and associated storage can be provided at basement level. Notably, the staff accommodation would not be re-provided.

- 6.7. The applicant has submitted two separate marketing reports prepared by commercial agents with an expertise in hospitality. The first report (Christie & Co) advises that the proposed pub would likely be a viable offering and would be further supported by the trade from the hotel guests. This report highlights the importance of having on-site kitchen facilities. The second report (The Bowden Group) also confirms the importance of a food offering and the trade that would be provided by hotel guests.
- 6.8. Both reports conclude that the re-provided public house has the potential to be viable and emphasises the importance of the hotel in helping to support its profitability. Neither report identifies the loss of the ancillary staff accommodation as being detrimental to the ongoing viability of the pub. Having reviewed these reports, officers are satisfied that the proposed replacement public house would, despite being smaller than the existing unit, be a viable operation that would accord with the aims of Policy TLC7 of the Local Plan and Policy HC7 of the London Plan. The proposal would further accord with Paragraph 93 of the NPPF.

Hotel use

- 6.9. **Policy E3 of the Local Plan** and **Policy E10 of the London Plan** identify the areas in which visitor accommodation would be supported. The application site is not in a town centre or other identified area and as such only a small-scale hotel would be supported. A small-scale hotel is defined within the Local Plan as being one with no more than 50 bedrooms.
- 6.10. The scheme as proposed constitutes a small-scale hotel and so is acceptable in principle, subject to compliance with all other relevant policies.
- 6.11. **Paragraph 187 of the NPPF** sets out the agent of change principle, in which existing facilities should not have unreasonable restrictions put upon them as a result of development permitted after they were established. This is relevant noting that a sui generis public house remains the lawful use of the site, and hotel sleeping accommodation is proposed within the same building envelope. To ensure the protection of the public house use, a robust scheme of sound insulation, noise mitigation and customer management will be conditioned.

7. Conservation and Design

Policy Context

- 7.1. **Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990** requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas
- 7.2. **Section 16 of the National Planning Policy Framework** sets out how the

historic environment should be conserved and enhanced, and makes it clear at **Paragraph 190** that local authorities, which considering proposals that affect a heritage asset, should seek to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal.

- 7.3. **Paragraph 200** states that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification.
- 7.4. Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, **Paragraph 202** of the NPPF requires that harm to be weighed against the public benefits of the proposals.
- 7.5. **London Plan - Policy HC1** states 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 by integrating heritage considerations early on in the design process.
- 7.6. **Local Plan - Policies DC1, DC2 and DC4** are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 (Design of new build), states that New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings. **Policy DC8** seeks to protect the character and appearance of heritage assets.
- 7.7. **Planning Guidance SPD - Key principle CAG3** New Development in Conservation Areas states new buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area. Characteristics such as building heights, building lines, roof forms, rear and side additions, front gardens and boundary treatment, lightwells, materials, windows and building features as well as disabled access measures should be considered in this context. Key principle AH2 reiterates the principles of the NPPF, stating that there will be a presumption in favour of the conservation of heritage assets.

Identification of heritage assets

- 7.8. The existing building occupying the site is neither statutory nor locally listed. Consequently, the heritage assets potentially impacted by the proposal are the Crabtree Conservation Area, and the setting of a number of other heritage assets

including, the Grade II listed Brandenburgh House on the north side of Lochaline Street and the locally listed, (buildings of merit) further North and South along Fulham Palace Road (at 64, 66, 87, 89 108,112 and 114 Fulham Palace Road). The character of the area is detailed in the Crabtree Conservation Area Character Profile.

Demolition

- 7.9. The existing building has been substantially modified over time, with complete replacement including the ground floor, internal walls, flank wall facing Distillery Lane, parapet, cornice and fenestration as detailed in the submitted heritage statement. The facades fronting the prominent junction of Fulham Palace Road and Distillery Lane retain the appearance of a traditional 19th Century public house and by virtue of their age, architectural character, materials and use, make a positive contribution to the character and appearance of the conservation area. The domestic wing adjoining the main building, (fronting Distillery Lane and Frank Banfield Park), is considered to have limited significance overall; dating from the early 20th Century, this element features poorer quality brickwork and limited architectural character when compared to the host building.
- 7.10. The proposal scheme seeks to demolish the 20th Century wing and existing corner building with the exception of the existing front and side facades, which whilst modified, are the remaining elements of the building contributing to the character and appearance of the conservation area as identified above. The demolition and replacement of these elements would not cause harm to the conservation area based on the quality of their replacements, which is in keeping with the prevailing local character, including palette of materials, height, scale and proportions, reinforcing the historic relationship between the main building and its adjacent wing. The character of the Crabtree conservation area would not be harmed by the proposed changes and would be preserved overall.
- 7.11. In summary, the main building has been substantially modified over time, the proposed retention of the external facades which contribute positively to the character and appearance of the conservation area, combined with a contextually appropriate development securing the future use of the building as a public house results in the on-balance conclusion that the extent of demolition would not cause harm to the conservation area, preserving its character and appearance in compliance with the NPPF and Local Plan Policies DC1, DC2, DC4 and DC8.

Impacts upon adjacent heritage assets

- 7.12. Grade II listed Brandenburgh House (116 Fulham Palace Road) –Due to its distance and the curve of Fulham Palace Road, the listed building is appreciable in the background of long-distance views South of the application site along Fulham Palace Road but the host building does not form an immediate part of its setting. Due to the distance between the buildings and the contextual scale, palette of materials and architectural approach of the proposed extension, it is considered that the proposal would not cause harm to the setting of the designated heritage asset, in compliance with Local Plan Policy DC4.
- 7.13. Group of locally listed, (buildings of merit) further North and South along Fulham Palace Road (at 64, 66, 87, 89 108,112 and 114 Fulham Palace Road) –

The buildings are appreciable in long views looking North and South along Fulham Palace Road but are at a significant distance that the application site does not form part of their immediate setting. Whilst the new roof addition would be visible in these longer views, it is considered that due to its contextual scale, palette of materials and architectural approach the proposal would not cause harm to the setting of these non-designated heritage assets, in compliance with Local Plan Policies DC1, DC2, DC4 and DC8.

New build and extensions/alterations to existing building

- 7.14. The proposal scheme seeks to bring forward a new/extended basement to provide hotel accommodation, the existing building façade as retained would be extended by two-storeys to create an extruded full-height floor at second floor and a mansard roof extension at third floor. These elements would be complemented by a new rear offshoot to the main building with a four-storey massing, (three storey parapet and upper floor mansard roof).
- 7.15. Scale and massing - The proposed additional storey and traditional mansard roof extension are in keeping with the architectural character of the host building and prevailing height of surrounding buildings and the increase in height creates a strong corner, addressing the existing uncomfortable relationship created by the increased parapet height on Nos 76-78 Fulham Palace Road identified above.
- 7.16. Architectural approach – The design of the proposal is informed by an understanding of the character of the original building and its architectural composition. The retained and extended façades of the original building follow a clear hierarchy to the expression of the form which replicates and strengthens the use of fenestration, parapets and corncicing to build upon and provide additional character and interest to the enlarged building.
- 7.17. To the rear, the new, enlarged rear off-shoot is detailed with a more simplified approach, to replicate the format of other rear off-shoots along Fulham Palace Road. The incorporation of chimney features, additional fenestration and ghost windows within these elevations assists in giving this element of the building character which reinforces the relationship to the main building
- 7.18. Relevant conditions are suggested to seek the submission of detailed 1:20 drawings of key elements of the scheme, alongside conditions relating to the submission of a palette and sample of materials to be used in the construction.
- 7.19. A detailed heritage analysis has been used to inform the design approach to the refurbishment and extension of the building. Refuse storage will be contained within the building. Cycle storage has also been provided internally but it is unclear how this is accessed- it appears to require access via the reception and down a set of stairs.
- 7.20. In relation to heritage assets potentially impacted by the proposal in longer views, it is considered that due to the contextual scale, palette of materials and architectural approach, the proposal would not cause harm to the setting of identified designated and non-designated heritage assets, in compliance with Local Plan Policies DC1, DC2, DC4 and DC8.

Conclusion

7.21. Overall, it is considered that the proposal would serve to preserve the character and appearance of the wider Crabtree conservation area, and the setting of nearby designated and non-designated heritage assets in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

8. Residential Amenity

8.1. **Local Plan Policy HO11** addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'. **Policy DC2** advises that good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal will be a key consideration when assessing proposals.

8.2. **Key Principles HS6 and HS7** of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy

Daylight, sunlight and overshadowing

8.3. The British Research Establishment (BRE) 'Site layout planning for daylight and sunlight' guidance sets out good practice for assessing daylight and sunlight impacts for new development. In urban areas, BRE guidance advises that the guidance be applied flexibly. The applicant's Daylight and Sunlight report has been carried out in line with the 2022 BRE guidance and considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings.

8.4. All relevant properties were subject to testing including no's 78A and 76 Fulham Palace Road. Where properties are not discussed below, they have fully complied with BRE criteria and there would be no material loss of daylight or sunlight.

8.5. No. 78A Fulham Palace Road is a two-storey residential unit set at first and second floor level. It is a small HMO, with four bedrooms and a shared kitchen/dining area to the rear at first floor level. The property further benefits from a small terrace leading from the kitchen, however, the terrace does not appear to benefit from planning permission. The daylight assessment demonstrates that impacts upon the second-floor windows, which are understood to all serve bedrooms, would be fully in accordance with BRE criteria. It can therefore be concluded that there would be no materially noticeable loss of daylight. At first floor level, there would be reductions of VSC that would exceed BRE criteria, although NSL levels would be fully in accordance with the guidance. However, the retained VSC values to these windows, that are understood to serve the kitchen/dining communal area, would be 23% and 26% respectively. This is a good retained value and the room would continue to be well daylighted. The relevant rear facing windows have also been subject to sunlight testing. The APSP would

see reductions beyond that recommended within the BRE guidance. However, retained values would again be acceptable and would allow for good levels of sunlight to be received in the relevant rooms. It can therefore be concluded that the HMO within no. 78a would not see an unacceptable loss of daylight or sunlight in this urban setting as a result of the proposed development.

- 8.6. No. 76 Fulham Palace Road – this property again comprises of residential uses to the first and second floors. There would be no failings against BRE criteria in relation to daylight and therefore occupiers would not notice a material loss. One window, of four, would see a loss of sunlight (APSH) that would exceed BRE criteria. However, officers consider that the retained values would be acceptable. All remaining windows would be fully compliant with BRE criteria and would not have any noticeable loss of sunlight.

Privacy and overlooking

- 8.7. **Key Principle HS7 (iii)** of the Council's Planning Guidance SPD sets an 18m standard from windows in new development to existing windows, in order to protect privacy. The SPD clarifies that the 18m distance would be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure that there is no loss of privacy to neighbouring occupiers.

- 8.8. The development has been carefully designed to prevent views from the proposed hotel rooms towards existing residential properties from being achieved. The layout of the first and second floor would direct views away from no. 76 and 78 Fulham Palace Road. During the public consultation, some concerns were raised in relation to views that could be achieved of the neighbouring nursery. The submitted plans demonstrate that no such views were possible, however, the architect has opted to obscure selected windows along the relevant elevation to alleviate the resident's concerns. This proposed element has not been secured by condition as it is not necessary to make the development acceptable.

Outlook and sense of enclosure

- 8.9. **Key Principle HS6 of the Planning Guidance SPD** states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook.' 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 would be a determining factor in assessing the effect which the extension would have on the existing amenities of neighbouring properties. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.

- 8.10. The rear of the site abuts Frank Banfield Park and as such it is not possible to assess impacts on residential properties using Key Principle HS6. The first and second floor of the development has been designed to step back from no. 76-78 Fulham Palace Road. Outlook from one small first floor window that appears to

serve a bathroom within no. 78 would be obscured by the development. This would not result in any harm to residential amenity owing to the use of the room. Contextual plans have been submitted which do demonstrate that outlook would not be restricted from windows serving habitable rooms. Oblique views from the terrace serving no. 78 may be restricted, however, the terrace does not benefit from planning permission and so cannot be considered further in this assessment. Officers conclude that there would be no unacceptable loss of outlook or increased sense of enclosure arising from the proposed development.

Noise and disturbance

- 8.11. The lawful use of the application site is a public house, which has no restrictive planning conditions relating to noise or hours of operation. The public house, being the existing use, must not have any unreasonable restrictions put upon it that could adversely affect its operation or ongoing viability. This is the 'agent of change' principle which is set out in Paragraph 187 of the NPPF.
- 8.12. The replacement public house would be smaller and would be within a largely new building envelope which provides potential for improvements to neighbouring residential amenity. Improvements, such as an enhanced scheme of sound insulation, can be implemented without adversely impacting upon the operation of the pub itself. This would also help mitigate against cumulative impacts arising from the additional noise and disturbance generated by the proposed hotel use. Details of sound insulation will be secured by way of condition which will protect existing residential properties from additional noise generated by both uses.
- 8.13. The proposed hotel use would be within the same building envelope as the pub but does not benefit from any noise or disturbance protections in policy. However, the agent of change principle does require that a proposed use does not unduly harm the operation of an existing use and therefore it is reasonable to secure some mitigation. A customer management plan will be secured by way of condition. This is considered proportionate and would not result in undue restrictions being put on the public house that may render it unviable. It would however likely be sufficient to minimise any complaints from hotel guests. A condition will restrict opening hours of the public house. This will allow for the pub to operate until the same hours as it was previously, but also allowing for an early open for a breakfast offering. Subject to these conditions, the proposal would accord with Policy CC11 of the Local Plan and Paragraph 187 of the NPPF.

9. **Highways**

- 9.1. **London Plan Policy T6** sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at **Policies T6.4 and T6.5**. London Plan **Policy T5** sets out the requirements for cycle parking in accordance with the proposed use.
- 9.2. **Local Plan Policy T1** sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the

borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail’.

- 9.3. **Local Plan Policy T2** relates to transport assessments and travel plans and states “All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network”.
- 9.4. **Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Site Accessibility

- 9.5. The application site has a public transport accessibility rating (PTAL) of 6a on a scale of 0 (worst) to 6b (best). Guests, customers and employees accessing the site will therefore benefit from excellent access to public transport.

Car Parking

- 9.6. The development is proposed to be car free which is in accordance with Policy T6 of the London Plan. A s106 obligation will remove access to business parking permits. The application site is within a controlled parking zone, with parking restricted to permit holders only or pay and display with a maximum stay of 8 hours during weekdays. As such, hotel guests would be unable to arrive to the premises by private car and park their vehicle for the length of their stay during the week. Blue badge holders will be able to park in the existing bays along Distillery Lane.
- 9.7. A trip generation (TRICS) analysis has been undertaken by the applicant’s consultant and reviewed by the Council’s highways team. Using data from comparable developments, it is estimated there would be a total of 9 trips in the AM peak and 11 trips in the PM peak. This is across all modes of transport. As such, it is accepted that any increase in trips made by private vehicle would be minimal and would not have a material impact upon parking stress or congestion locally.

Cycle Parking

- 9.8. The application site is highly constrained which does present difficulties in providing a policy compliant quantum of cycle parking on site. For the hotel use, long stay storage for two bicycles is required, and short stay provision is required for one bicycle. The public house requires 13 short stay spaces and 2 long stay spaces. The applicant proposes to provide the cycle parking on Distillery Lane which would be acceptable in this instance. As this is outside of the site boundary, the cycle storage will be secured by way of a s106 obligation rather than a condition. However, storage for 3 bicycles for staff of both the hotel and public house uses will be provided within the basement. This will be secured by way of condition.

9.9. A contribution has also been secured towards the provision of a micro-mobility parking hub for electric bikes and scooters in the vicinity of the site. This will provide further options for guests and employees to travel to and from the site using a sustainable mode of transport.

Travel Plan

9.10. A draft travel plan has been submitted with the hotel and public house uses. The plan covers both employees and hotel guests and sets out objectives and targets for sustainable travel to and from the site. Whilst the principles of the draft travel plan are acceptable, a final travel plan will need to be submitted once the occupiers are confirmed to ensure that the targets remain relevant and achievable.

9.11. A final travel plan will be secured through a s106 obligation, along with a monitoring fee for years 1, 3 and 5.

Waste Management

9.12. A waste management strategy, prepared by Caneparo, has been submitted which outlines the arrangements to be made for refuse and recycling. Separate waste stores are proposed for the hotel and public house uses and provision will be made for refuse and recycling. Aerobic food digesters are to be secured by condition to deal with food waste in a sustainable manner. The waste management strategy has provided an estimate of the volume of refuse and recycling to be produced by each use and sufficient storage will be provided on site. Full details have been provided of the hotel store, but final details of the pub store will be secured by way of condition. With regard to collections, bins will be presented kerbside on Distillery Lane which is consistent with the existing arrangements. Subject to a condition, the proposed waste management strategy is considered to accord with Policy CC7 of the Local Plan.

Servicing & Deliveries

9.13. The development is expected to generate 11 delivery and servicing trips per day. This is across the two uses on site. Servicing will take place from the existing loading bays located on Fulham Palace Road. A delivery and servicing plan has been submitted; however, a final plan will need to be secured once the occupiers of the development are finalised. This will be secured by way of condition.

Construction Management

9.14. The applicant has submitted an outline Construction Logistics Plan in accordance with Local and London Plan policy. The document indicates that the development would be constructed within 17 months and that Distillery Lane will form the majority of the construction compound for the use of construction vehicles and the storage of associated plant. The CLP highlights that the construction works are likely to generate a peak of 400 monthly trips, which equates to 16 daily trips, during Q1 and Q2 of the construction works. It is proposed that scaffolding is located on the public highway with a gantry to enable continued use of the footways by pedestrians which is welcomed.

Access to Frank Banfield park must also be maintained throughout the construction of the development and proposed construction deliveries are required to take avoid the AM and PM peak periods when pedestrian movements in the vicinity of the site are likely to be high. Further details are required in the detailed Construction Logistics Plan which should be secured by condition. The applicant is also required to fund the monitoring of the CLP, which would include measures such as camera enforcement and this will be secured by obligation.

10. Accessibility

- 10.1. **Local Plan Policy DC1** requires all development to be of a high quality and should have an approach to accessible and inclusive urban design. **Policy D2** requires new buildings to follow the principles of accessible and inclusive design.
- 10.2. **London Plan Policy E10** specifically requires that 10 per cent of hotel rooms are delivered as wheelchair accessible units from the outset or that 15 per cent of new hotel bedrooms are accessible in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment. The application documents confirm that 10% of the hotel accommodation will be wheelchair accessible rooms from the outset, with a further 10% adaptable should future need arise.
- 10.3. The accessibility statement includes plans demonstrating that wheelchair accessible routes, from the street, are provided to all wheelchair accessible rooms. A DDA compliant WC is also provided in the public house. The proposal is therefore considered in compliance with Policy DC1 and DC2 of the Local Plan.

11. Arboriculture and Parks

- 11.1. **London Policy G7** states that existing trees of quality should be retained wherever possible or replace where necessary.
- 11.2. **Policy OS1 of the Local Plan** states that the council will protect, enhance and increase provision of parks, open spaces and biodiversity in the borough. Part c) of the policy advises that this can be achieved through improving existing parks, open spaces and recreational facilities throughout the borough. **Policy OS5** seeks to retain existing trees.
- 11.3. The proposals require the removal of two category C trees that are on the boundary of the application site, within Frank Banfield Park. Category C trees are trees of low quality, with category A being trees of the highest quality. All other trees will be protected throughout the construction period.
- 11.4. To mitigate against this loss, it is proposed to plant 4 trees in total. Each tree would be of a medium to heavy standard meaning that they are established and semi-matured at the time of planting. This strategy has been agreed with the Council's parks tree officer, subject to the species being agreed at a later stage. The replacement trees will be secured through the s106 agreement as they do not fall within the curtilage of the application site.

11.5. A contribution of £60,000 has been secured which will be ringfenced to deliver improvements to Frank Banfield Park. This will further mitigate against the loss of two trees and the increased use of the park as a result of the development. The Friends of Frank Banfield Park have submitted comments in support of the development.

11.6. Subject to the mitigation set out above, the proposal would accord with Policy OS1 and OS5 of the Local Plan and Policy G7 of the London Plan.

12. Climate, Energy and Sustainability

12.1. **London Plan Policy SI2** requires major developments to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (15% of which should be achieved through energy efficiency). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain. **London Plan Policy SI4** seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

12.2. **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.

12.3. **Local Plan Policy CC2** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.

Sustainability

12.4. As required of a major development, a Sustainability Statement has been provided, summarising the BREEAM Pre-Assessment report which shows that if the identified credits are achieved as outlined then the development would achieve a BREEAM rating of "Excellent". This is in line with the requirements of Policy CC2 of the Local Plan and a condition will be attached to the decision to require the submission of post-completion BREEAM certification.

Energy

12.5. As required, an Energy Assessment has been submitted with the application. The Energy Strategy for the site is to integrate energy efficiency measures and low/zero emission technologies including Air Source Heat Pumps and solar PV panels. The proposals exceed the minimum CO2 reduction target of 35% set in

the London Plan by achieving 53% reduction through on-site measures. The remaining CO2 emissions are to be offset with a payment in lieu and this is calculated to be £99,541. A 19% reduction in emissions is achieved through energy efficiency measures, with the remaining reduction achieved through on site renewable technologies.

- 12.6. A condition will secure the implementation of the measures outlined within the energy assessment. The proposal is in accordance with Policy SI 2 of the London Plan and Policy CC1 of the Local Plan.

Overheating

- 12.7. The Cooling Hierarchy, set out in Policy SI4 of the London Plan, has been applied in designing the proposed development. The design has implemented a number of strategies to avoid overheating and a reliance on mechanical cooling. This includes the use of reflective materials to minimise heat absorption, optimisation of windows to reduce solar gain, reduced air permeability and maximising insulation. Openable windows will be provided to all elevations to allow for passive ventilation. Despite the measures detailed, there will be a need for some mechanical cooling to ensure thermal comfort for building users particularly within the reception area. This is considered acceptable, noting that the Cooling Hierarchy has been followed and does allow for the use of mechanical cooling in these circumstances. The proposal is therefore in accordance with Policy SI4. The overheating and cooling assessment is within the energy assessment and compliance will be conditioned.

13. Air Quality

- 13.1. The development site is within the borough wide Air Quality Management Area (AQMA) and GLA Air Quality Focus Area 73 due to the road traffic emissions from Fulham Palace Road (A219). The development proposal would introduce new receptors into an area of existing poor air quality. In respect to this development site the annual mean concentrations of Nitrogen Dioxide (NO₂), and Particulates (PM₁₀, PM_{2.5}) concentrations at the proposed property even in the background currently fail the WHO Air Quality Guideline values (2005) for these air pollutants. Further Mitigation measures will be required to make the development compliant with **Local Plan Policy CC10** (2018) and **London Plan Policy SI1** (2021).
- 13.2. An air quality assessment has been submitted which models the existing air quality and concludes that the unmitigated risk to local sensitive receptors from emissions of dust and pollution from construction is deemed to be low. The Council's air quality officer has reviewed this report and has advised that some further mitigation will be required, which will be secured by way of condition. This is to include the submission of an air quality and dust management plan to manage the risks arising during the demolition and construction phases.
- 13.3. A ventilation strategy has also been submitted and reviewed by the Council's air quality officer. This report seeks to ensure that future guests and employees of the development will not suffer from poor air quality whilst inside the building. Mitigation measures proposed include the installation of a filtration system and installing air intakes where the air is least polluted (i.e. to the rear of the development). A final design stage ventilation strategy will be secured by way of

condition which will include further details of the filtration system and ventilation intakes/extracts.

- 13.4. An ultra-low emissions strategy will also be secured by condition to ensure compliance with Policy CC10 of the Local Plan. Finally, details of an aerobic food digester (AFD) will be secured by condition to mitigate the impact of servicing vehicles collecting food waste. Subject to these conditions, the proposal would accord with Policy CC10 of the Local Plan and Policy SI1 of the London Plan.

14. Flood Risk

- 14.1. **London Plan Policy SI12** sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 14.2. **Local Plan Policy CC2** requires major developments to implement sustainable design and construction measures, including making the most efficient use of water.
- 14.3. **Local Plan Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 14.4. The application site is within Flood Risk Zone 3 with a high residual risk of flooding. A flood risk assessment has been submitted which sets out the required mitigation for flood risk from fluvial, surface water and groundwater sources. This includes a water exclusion and water entry strategy. The provision of the required mitigation is to be secured by condition.
- 14.5. The Environment Agency were consulted on the scheme and raised no objections to the proposal.
- 14.6. Thames Water have raised no objection to the scheme, however, they have requested two conditions to protect their infrastructure. These conditions will secure a piling method strategy and details of rerouting of a water main.

15. Land Contamination

- 15.1. The council's Land Contamination Officers have advised that potentially contaminative land uses are understood to have occurred at, or near to, this site; or a sensitive use is proposed. As such conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan.

16. Fire Safety

- 16.1. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the

highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

16.2. A Fire Statement produced by an independent and accredited specialist has been submitted as required by Policy D12 (b). The fire statement includes details of means of escape, the necessary separation of the two uses within the building, details of access for fire appliances, personnel and equipment, and features which reduce the risk to life. The fire statement provides details of each matter required by criteria 1 – 6 of Policy D12 (b). The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted and assessed. Officers are satisfied that the submitted Fire Statement provides sufficient information for planning stage and recommend that a condition is imposed to ensure that the strategy is implemented, and the development is carried out in accordance with this document.

17. Designing Out Crime

17.1. Policy DC2 of the Local Plan requires developments to be designed in line with the principles of Secured by Design.

17.2. The proposals have been reviewed by the Metropolitan Police's design out crime officer. A series of recommendations have been made which could feasibly be incorporated into the hotel and public house. The proposal would accord with the aims of Policy DC2, subject to secured by design accreditation being achieved.

17.3. A financial contribution of £15,000 has been secured to support the funding of LBHF's local law enforcement team initiative. The initiative seeks to reduce environmental crime and anti-social behaviour across the borough, including in parks. The contribution has been sought in light of the development's proximity to Frank Banfield Park.

18. Employment and Skills

18.1. **Local Plan Policy E4** requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.

18.2. A package of employment and skills contributions has been secured. This is summarised as follows:

- 1) Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
- 2) 10% of labour employed on the construction of the development to be H&F residents
- 3) Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
- 4) 10% of build costs to be spent locally on H&F businesses
- 5) Submission of delivery and monitoring plans
- 6) 10% local labour target during the first 24 months of the operational phase

(based on employees being within one of the Council's target groups, otherwise a target of 20% applies).

19. Planning Obligations and CIL

Mayoral CIL

19.1. Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the scheme would be liable for a CIL payment. An estimate of £56,960 based on the additional floorspace has been calculated. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1.

Local CIL

19.2. 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 in order 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.

19.3. Hotels and public houses do not attract a charge under the adopted CIL Charging Schedule. Accordingly, no CIL would be due on this development.

Planning Obligations

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

19.5. The applicant would be required to enter into a legal agreement in the event that planning permission were to be granted. The Legal Agreement would include the following obligations:

- 1) £60,000 for improvements to Frank Banfield Park
- 2) Provision of 4no. trees within Frank Banfield Park
- 3) £15,000 towards LBHF's local law enforcement team
- 4) £99,541 payment in lieu contribution towards the zero-carbon emission target
- 5) Contribution to economic development (£13,875) including the following:
 - a. Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
 - b. 10% of labour employed on the construction of the development to be H&F residents
 - c. Contribution of £3,375 towards facilitating the Council in supporting

- local Small to Medium Enterprises to bid for contracts tendered in the supply chain
- d. 10% of build costs to be spent locally on H&F businesses
 - e. Submission of delivery and monitoring plans
 - f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)
- 6) On-street car parking permit-free development
 - 7) Travel plan monitoring fee of £3,000 per submission (submissions on years 1, 3 and 5)
 - 8) Developer to enter into a s278 agreement for works to the public highway as necessary
 - 9) A commitment to meet the costs of the Council's associated legal fees.

20. Conclusion

- 20.1. The proposal would see the re-provision of a public house that has been demonstrated to Officers will be a viable offering. The proposed hotel will not conflict with the public house use and would be of a suitable scale for the location. The replacement building is of a high quality and will not result in harm to the conservation area or wider streetscene. There would be no undue harm to residential amenity as a result of the proposals and sound mitigation would be enhanced from the existing baseline.
- 20.2. A package of obligations has been secured to mitigate the impacts of the development on the highway and to provide employment and training opportunities for local residents. Furthermore, the scheme would make a financial contribution towards the improvement of Frank Banfield Park and the Local Law Enforcement Team.
- 20.3. The proposal accords with the aims of all relevant policy and guidance and is recommended for approval, subject to conditions and a legal agreement.

21. Recommendation

- 21.1. 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.
- 21.2. 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.