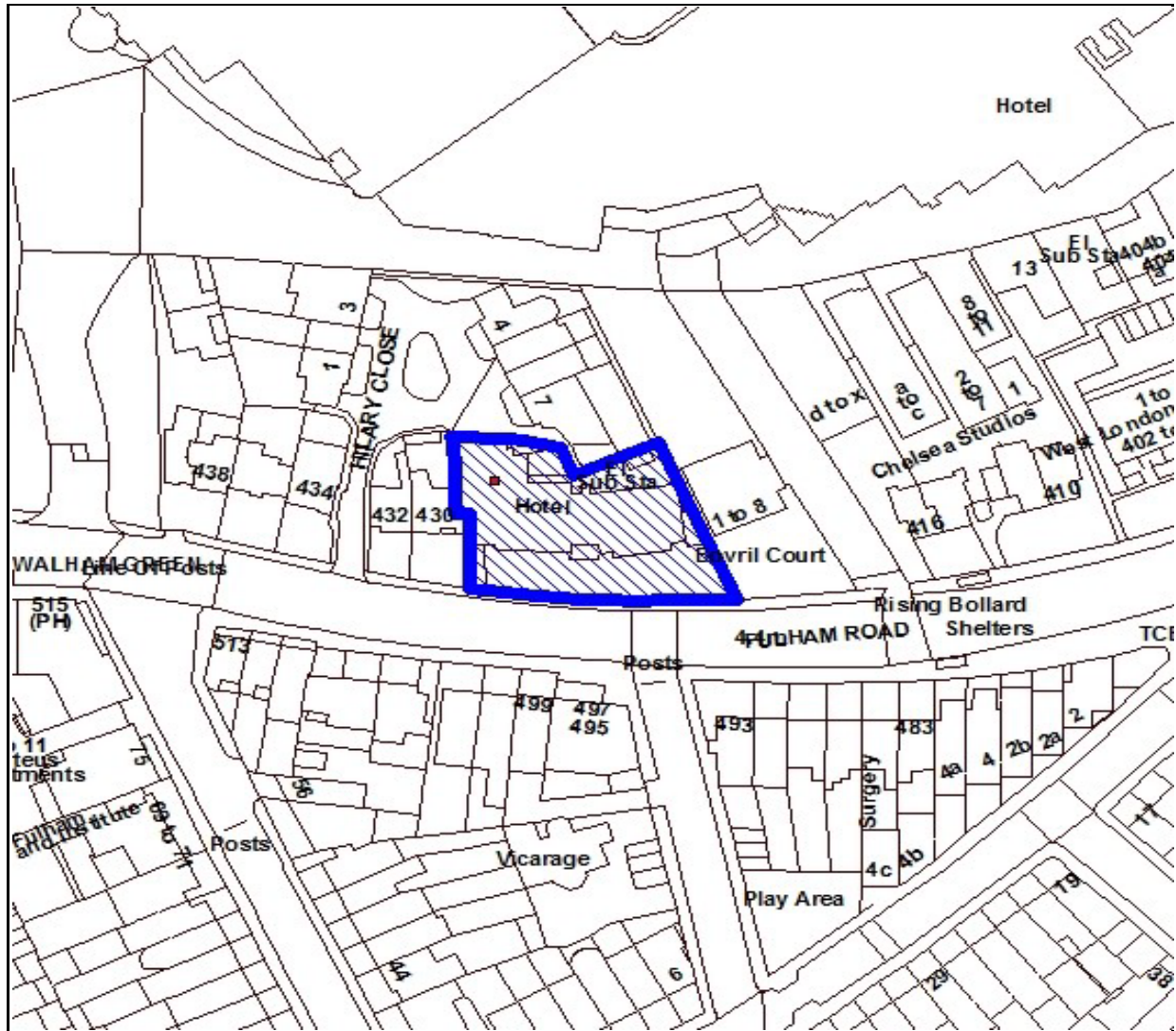


**Ward:** Walham Green

**Site Address:**

La Reserve Hotel 422 - 428 Fulham Road London SW6 1DU



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

**Reg. No:**  
2022/03682/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
17.01.2023

**Conservation Area:**  
Constraint Name: Moore Park Conservation Area -  
Number 30

**Committee Date:**  
18.07.2023

**Applicant:**

Reserve Property Holdings Limited  
C/o Agent

**Description:**

Erection of a four-storey plus basement building for use as 50no. apart -hotel complex (Use Class C1) to replace the previously demolished building.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

**Conditions:****1) Time limit**

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

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

**2) Approved Drawings**

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

2157-H1-D-A-101 (Basement plan)  
2157-H1-D-A-102 (Ground floor plan)  
2157-H1-D-A-103 (First and second floor plan)  
2157-H1-D-A-104 (Third floor and roof plan)  
2157-H1-D-A-106 (Bin Store Plan)

2157-H1-D-A-202 Rev 01 (East and West elevations)  
2157-H1-D-A-201 Rev 01 (South and north elevations)

2157-H1-D-A-401 (Section 1)  
2157-H1-D-A-304 Rev 01 (Section 3)

2157-H1-D-A-501 Rev 01 (Bay study 1)

2157-H1-D-A-502 Rev 01 (Bay Study 2)  
2157-H1-D-A-503 Rev 01 (Bay Study 3)  
2157-H1-D-A-504 (Bay Study 4)

Energy and Sustainability Statement V2 dated 22<sup>nd</sup> October 2022  
Delivery and Servicing Plan Rev A dated 6<sup>th</sup> May 2023  
Arboricultural Report dated 28<sup>th</sup> October 2022  
Flood Risk Assessment Report dated 19<sup>th</sup> December 2022, including additional information via email dated 13<sup>th</sup> March 2023  
Fire Statement dated November 2022.

Reason: To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

### **3) Temporary fencing**

The development hereby permitted shall not commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

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

### **4) Construction Logistics Plan**

Notwithstanding the submitted details, prior to commencement of the development (save for works of site clearance and demolition of existing building) hereby approved, a final Construction Logistics Plan (CLP) shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points and; membership of the Considerate Contractors Scheme. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

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

## **5) Construction management plan**

Notwithstanding the submitted details, prior to commencement of the development hereby approved (save for works of site clearance and demolition of existing buildings) a final Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control. Approved details for each relevant phase, or part thereof shall be implemented throughout the project period.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the amenities of local residents and the area generally, in accordance with Policy T7 of the London Plan 2021, Policies DC1, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

## **6) Delivery and Servicing Plan**

The Delivery and Servicing Plan (DSP) hereby approved shall be implemented prior to occupation and shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

Reason: To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy T4 of the London Plan 2021 and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

## **7) Materials**

Notwithstanding the details specified on the drawings hereby approved, the development shall not commence (save for works of site clearance and demolition of existing buildings) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of colour, composition and texture of the brick and painted render, the colour, composition and texture of any metal and stone work; details of all surface windows; roof surfaces; roof top plant and general plant screening; opening and glazing styles and all external hard surfaces including paving, have been submitted and approved in writing by the Local Planning Authority. A sample panel showing the external materials as appropriate shall also be erected onsite for the Council's inspection prior to commencement of the works. 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 street scene and public realm, in accordance with Policy D4 of the London Plan 2021 and Policies DC1, DC2 and DC8 of the Local Plan (2018).

## **8) 1:20 details**

The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details in plan, section and elevation (at a scale of not less than 1:20) of the following matters, and no part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay and junctions of the building with No. 430 Fulham Road
- b) details of the roof, to include the parapet, mansard, plant screen and all excrescences. All plant must be contained within the plant room and not project above the mesh screen.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, to preserve the character and appearance of the conservation area, and the setting and special architectural and historic interest of the adjacent locally listed buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

## **9) External artificial lighting**

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

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

## **10) Plumbing/rainwater goods**

No plumbing or pipes, other than rainwater pipes, shall be fixed externally on the front (Fulham Road) elevation of the building hereby approved.

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

## **11) Rooftop water tanks/plant**

No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected on the roofs of the building hereby permitted.

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

## **12) Aerials**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved.

Reason: In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

### **13) No additional air conditioning equipment**

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

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC8, CC11 and CC13 of the Local Plan (2018).

### **14) No adverts**

No advertisements shall be displayed on the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.

Reason: To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with DC1, DC2, DC8 and DC9 of the Local Plan (2018), and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies CC12 and CC13 of the Local Plan (2018).

### **15) Landscaping details**

The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

Reason: To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

### **16) Replacement planting**

Any tree or shrub planted pursuant to condition 14 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory provision for planting in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

### **17) Arboricultural Report**

The development hereby approved shall be carried out in accordance with the Arboricultural Report, by ACS (Trees) Consulting, dated 28th October 2022.

Reason: To ensure the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

### **18) Replacement trees**

The Norway Maple tree (T2) and the Common Lime tree (T4) to be removed shall be replaced during the next winter planting season following the date of this decision. Details of the replacement tree, including species and height, shall be submitted and approved in writing by the Council before the tree is removed.

Reason: To ensure a satisfactory provision for tree planting, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

### **19) Secured by Design**

Prior to the commencement of the development, a statement of how "Secured by Design" requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

Reason: To ensure a safe and secure environment in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

### **20) Flood Risk Assessment**

The development shall be carried out in accordance with the remaining details contained within the Flood Risk Assessment submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

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

### **21) Surface Water Management Strategy**

The development hereby approved shall not commence until details of a revised Surface Water Management Strategy. Details should review the inclusion of rainwater harvesting for re-use. The measures shall thereafter be permanently retained for the life of the development.

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



## **22) Transport and/or industrial noise sources**

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport and industrial/ commercial noise sources, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

## **23) Separation of communal facilities/plant etc. noise from noise sensitive premises**

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 basement plant room, gymnasium / communal facilities from apartments / noise sensitive premises. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 15dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  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 development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

## **24) External noise from machinery, extract/ventilation ducting, ASHP, mechanical gates, etc.**

The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 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 to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

## **25) Anti-vibration mounts and silencing of machinery etc.**

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

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

## **26) Servicing Management Plan**

Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include but not be limited to times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, and quiet loading/unloading measures.

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.

## **27) Air Quality Dust Management Plan (Construction)**

Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors 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<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and

Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (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. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to [constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk). The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>

- 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 V NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of 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 NOx rating A) and Euro VI

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

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

## **28) Ventilation Strategy**

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the apartment hotel (Use Class C1) 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, PM2.5) 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 each hotel floor
- b. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all apartment hotel rooms.

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

d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

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

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

## **29) 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/use of the development and thereafter permanently retained and maintained.

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

## **30) Zero Emissions Heating**

Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps to be provided for space heating and hot water for the apartment hotel (Use Class C1) 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).

### **31) Aerobic Food Digester (AFD)**

Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the apartment hotel (Use Class C1) 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: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

### **32) Zero Emission Delivery Hub**

Prior to occupation of the development hereby permitted, details of the installation of a carrier agnostic parcel locker including location and type of parcel locker and a minimum of two cargo bike parking spaces with cargo bike stands must be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

### **33) Deliveries and Collections**

At the development hereby permitted no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00 to 16:00 and 19:00 to 21:00 hrs on Monday to Friday, 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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

### **34) 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).

### **35) Terraces**

No part of any roofs of the new building or open space including within lightwells at the rear shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs or open spaces.

Reason: The use of the roofs as a terrace or open areas as amenity spaces would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

### **36) Cycle parking**

The development hereby approved shall be carried out and completed in accordance with the details of the proposed storage of 24 cycles (20 long-stay and 4 short stay in connection with the apart hotel.

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

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

### **37) Refuse storage**

No part of the development hereby approved shall be occupied prior to the submission and approval of further details regarding the provision of the refuse storage arrangements. The refuse storage arrangements shall be permanently retained thereafter in accordance with the approved details.

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

### **38) Hotel use**

The hotel use shall be used solely for the purposes of a hotel only and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

### **39) Maximum no. of rooms**

The Class C1 (aparthotel) use hereby approved shall have a maximum of 50 bedrooms.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in the number of bedrooms could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

### **40) 30 days maximum stay**

The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the apart-hotel for a continuous period of more than 30 days. A detailed register of all occupants shall be kept which will include names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the local planning authority.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in stay period could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

### **41) Fire Statement**

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by John G Streets BEng(hons) Fire Engineering Consultant Fire Engineer, dated November 2022). 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).

#### **42) Preliminary Risk Assessment**

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

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

#### **43) Site Investigation Scheme**

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

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



#### **44) Quantitative Risk Assessment Report**

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

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

#### **45) Remediation Method Statement**

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

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

#### **46) Verification Report**

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all appropriate waste Duty of Care documentation and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

#### **47) Onward Long-Term Monitoring Methodology**

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

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

#### **48) Healthy Streets assessment**

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

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

#### **49) BREEAM rating**

The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Energy and Sustainability Statement V2 by eb7 dated 26<sup>th</sup> March 2022. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the 'Excellent' BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy SI 2 of The London Plan 2021 and Policies DC1, DC2 and CC2 of the Local Plan (2018).

#### **50) Energy and CO2 reductions**

The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy and Sustainability Statement V2 by eb7 dated 22<sup>nd</sup> October 2022. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

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

#### **51) Obscure glazed windows**

The development hereby permitted shall not be occupied until the new upper floor windows at first, second and third floor levels (facing Bovril Court) have been installed so as to be non-openable and with obscure glazing, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the windows shall be retained in the form approved.

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

## **52) Build contract**

The development hereby approved shall not commence prior to approval by the Council of a valid and enforceable building contract for the redevelopment of the site in accordance with this planning permission, or approval by the Council of an alternative means of ensuring that it is satisfied that redevelopment of the site will take place within 6 months of the discharge of contamination conditions attached to this planning permission, and that such redevelopment will be carried out without interruption.

To safeguard the character and appearance of the conservation area, in accordance with Policies DC1, DC2, and DC8 of the Local Plan (2018).

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

- 1. Land Use:** The principle of the development is considered acceptable, as Officers consider that sufficient weight be afforded to the wider economic benefits of the development in providing an employment and visitor generating apart-hotel development. The proposal complies with the NPPF (2021), Policies E9 and E10 of the London Plan (2021), and Policies FRA, E2 and E3 of the Local Plan (2018).
- 2. Design and heritage:** The principle of the land use is considered acceptable. The loss of the existing building of merit has been justified and the height, scale, massing, and detailed design of the replacement hotel building is acceptable within the local context, and would not harm the character and appearance of the application site and would appropriately connect the surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause undue harm to the setting of the Moore Park Conservation Area. The development is therefore acceptable in accordance with the principles of the NPPF (2021), Policies D1, D3 and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).
- 3. Residential Amenity and Impact on Neighbouring Properties:** The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. Measures would be secured by conditions to minimise noise and disturbance from the operation of the hotel and any associated mechanical equipment to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DC1, DC2, CC11 and CC13 of the Local Plan and EN1 of the Planning Guidance Supplementary Planning Document (2018).
- 4. Safety and Access:** A condition will ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy D11 (2021) and Policy DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D11 of the London Plan (2021), Policies E3 of the Local Plan (2018) and Key Principles DA1, DA6 and DA9 of the Planning Guidance Supplementary Planning Document (2018).

5. Highways matters: Subject to conditions, and the completion of a satisfactory legal agreement relating to the submission of a Travel Plan, servicing and delivery plan, and a DLP and a CLP; funding towards cycle and highway improvements; together with the prevention of coach bookings there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The development would therefore be acceptable in accordance with the NPPF (2021), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).
6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have respect the proposal is therefore in accordance with the NPPF (2021), Policy SI12 London Plan (2021), Policies CC2, CC3 and CC4 of the Local Plan (2018) and FR1 and FR3 of the Planning Guidance Supplementary Planning Document (2018).
7. Sustainability and Energy: Measures are proposed in relation to minimising energy use and CO2 emissions and sustainable design and construction. These will be secured by conditions with a carbon-off setting payment in lieu secured through Section 106 legal agreement. The development would therefore be acceptable in accordance with Policies SI 2, SI 7 and DF1 of the London Plan (2021), Policies of CC1 and CC2 of the Local Plan (2018) and SDC1 of the Planning Guidance Supplementary Planning Document (2018).
8. Air Quality: There will be an impact on local air quality because of the demolition, construction, and operation of the proposed development. However, conditions prior to the commencement of above ground works are included to mitigate the impact of the development and to ensure neutral air quality outcomes in accordance with Policy SI 1 of the London Plan (2021) and Policies CC10 and CC13 of the Local Plan (2018).
9. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policies CC11, CC12 and CC13 of the Local Plan (2018) and NN1, NN2 and NN3 of the Planning Guidance Supplementary Planning Document (2018).
10. Planning Obligations: The application proposes that its impacts are mitigated by way of carbon-off setting payment and financial contributions to fund construction related jobs and apprenticeships, a local procurement initiative, and improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).
11. Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

## **That the applicant be informed as follows:**

1. In determining this application, the local planning authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2018).
2. Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/ building works:

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

Dust:

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

Dark smoke and nuisance:

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

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

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

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

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

Application form received: 20th December 2022  
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:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	01.02.23
Thames Water - Development Control	08.02.23
Crime Prevention Design Advisor - Hammersmith	09.02.23
Historic England London Region	26.01.23
Health And Safety Executive Fire Safety	25.01.23
Royal Borough Of Kensington And Chelsea	26.01.23
Royal Borough Of Kensington And Chelsea	08.02.23
TFL Spatial Planning 5 Endeavour Square LONDON E20 1JN	15.02.23

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
3 Hilary Close London SW6 1EA	22.02.23
4 Hilary Close London SW6 1EA	22.02.23
7 Hilary Close London SW6 2EA	22.02.23
6 Hilary Close London SW6 1EA	22.02.23
1 Hilary Close London SW6 1EA	22.02.23
2 (and 5) Hilary Close London SW6 1EA	22.02.23
Hilary Close Freeholders	22.02.23
NAG	18.02.23

**1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS**

**Site and Surrounding Area:**

- 1.1 The application site is currently vacant, but most recently comprised a three storey plus basement, semi-detached building, situated on the north side of Fulham Road. The site was in use as a hotel, comprising 43 rooms, with a separate nightclub and restaurant in the basement area.

- 1.2 The application site adjoins a residential development (Hilary Close) to the rear, with Chelsea Football Stadium beyond that. To the west the site adjoins 430 and 432 Fulham Road, a pair of three storey plus semi basement buildings of merit, occupied by a nursery and residential units respectively. To the east, sits the three storey plus basement flatted development of Bovril Court.
- 1.3 The site is situated within the Moore Park conservation area and buildings occupying the site until 2021, were also on the Council's Register of locally listed, Buildings of Merit.

**Relevant planning history:**

- 1.4 In 1993 planning permission was refused for the erection of an additional floor at roof level (1992/01591/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy).
- 1.5 In January 1998 planning permission was approved for the erection of a part single storey part two-storey extension to the rear of the premises (1997/02233/FUL). This was not implemented.
- 1.6 In December 1998 planning permission was refused for the erection of an additional floor at roof level (1998/00775/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy). This was subsequently dismissed at appeal. The Inspector concluded "the additional floor would result in a building that is out of character with its surrounding. Because it would be higher than its immediate neighbours it would also become more dominant in the street scene in this part of the Conservation Area;" and " the proposal would result in an unacceptable impact on the living conditions of the occupiers of residential properties in Hilary Close as a result of overlooking, loss of privacy and intrusion."
- 1.7 In 1999 planning permission was approved for the erection of a part single storey, part two-storey rear extension (larger version of 1998 permission) (1998/00778/FUL). This was not implemented.
- 1.8 In August 2003 planning permission was refused for the erection of a single storey extension on top of the existing linen store, on the eastern flank of the hotel (2003/02880/FUL) on grounds of visual amenity.
- 1.9 In 2005 planning permission was refused for the erection of an extension on top of the existing linen store, on the eastern side of the hotel (2005/01141/FUL) on grounds of residential amenity (loss of outlook and an increased sense of enclosure).
- 1.10 In 2008 planning permission was approved for the erection of a rear extension at ground, first and second floor levels; erection of an extension above the existing linen store to the side of the building (for use as an office) together with related alterations and associated landscaping at basement level (2008/00962/FUL). This was not implemented.



- 1.11 In March 2017 a planning application for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel was withdrawn (2016/05278/FUL).
- 1.12 In 2018 planning permission was granted for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel (Class C1) (ref 2017/01128/FUL). This consent expired 23 March 2018. Given that a number of pre-commencement conditions were not discharged, it is not considered that this consent was implemented within the 3-year time limit for doing so.
- 1.13 An application (ref 2021/00757/DET) to discharge conditions 3, 4, 6, 7, 8, 9, 10, 11, 17 and 41 was deposited on 9 March 2021, with the exception of details of hoardings (Condition 4) and Contaminated Land Site Investigation Scheme (Condition 41), the remaining conditions were refused on July 2021 largely due to insufficient information in relation to the following matters:
- Building contract, written notice of the demolition start date (Condition 3)
  - Demolition Management Plan and a Demolition Logistics Plan (Condition 6)
  - Construction Management Plan and Construction Logistics Plan Condition 7)
  - Samples of all external materials (Condition 8)
  - Drawings in plan, section and elevation (Condition 9)
  - All external ground and flat roof surfaces (Condition 10)
  - External lighting (Condition 11)
  - Landscaping (Condition 17)
- 1.14 In 2021, the applicants submitted a preapp regarding an amendment to the description of development of the 2018 planning permission 2017/01128/FUL to change from a hotel use to serviced apartments. Officers advised that in principle the provision of serviced apartments could be considered acceptable in principle as the development would include no more than 50 apartments subject to further details on how it would function,
- 1.15 In January 2023, a planning application was withdrawn for a redevelopment, comprising the retrospective demolition of existing buildings and erection of a four-storey plus double basement building for use as 50 serviced apartments (Class C1) 2021/04157/FUL.

### **Enforcement history**

- 1.16 Following the demolition of the buildings occupying the application in 2021, an enforcement complaint was received and subject of investigation. Given the failure to discharge pre-commencement conditions ahead of demolition works commencing, it is not considered that the 2018 permission has been implemented, and the demolition works did not benefit from planning consent.
- 1.17 Section 196 of the Town and Country Planning Act 1990, identifies it is an offence for a person to carry out relevant demotion without the required planning permission.

- 1.18 In considering whether it is expedient to take enforcement action, officers have considered the planning history of the site. An enforcement notice seeking to remedy the breach of planning control would require the original buildings to be reinstated on-site. However, given that the principle of demolition and redevelopment was previously supported through the 2018 permission, officers consider that such action would not be upheld if any notice were subject to appeal.
- 1.19 Instead, for the purposes of the current application, officers consider that baseline condition of the site, should be that the site is vacant. Harm to the character and significance of the locally listed, buildings of merit has occurred in full.

### **Proposed Development**

- 1.20 The proposed development relates to the redevelopment of the site comprising demolition of existing buildings (retrospective) and erection of a four-storey plus basement building for use as apart-hotel (Use Class C1).

## **2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)**

- 2.1 The application has been advertised by means of a site notice and a press advert, and some 467 individual notification letters have been sent to the occupiers of neighbouring properties.
- 2.2 In total, 9 objections have been received, including one from a planning consultant on behalf of the Freeholders of Hilary Close. The objections received are summarised below:
- demolition of building of merit and errors in Heritage Statement
  - Out of keeping with existing buildings and harm to heritage assets including the building of merit, neighbouring buildings of merit and the conservation area
  - Scheme would not bring benefits that a hotel would bring, such as a restaurant, and does not replace local employment opportunities
  - Unacceptable design
  - Excessive height, and over dominant
  - Loss of light and overshadowing
  - Increased flood risk
  - Noise and disturbance associated with traffic and works during demolition and construction, particularly taken together with the works to Chelsea football stadium
  - Noise and disturbance from comings and goings from the apart hotel use, as well as the kitchen/restaurant
  - Increased traffic movements and parking stress
  - Lack of need for hotels in the area
  - Top storey floor to ceiling height too low which could lead to building needing to be higher than shown
  - cleared site could be converted to a park if no replacement building
- 2.3 The matters relating to the land use, design, scale, impact upon the character, buildings of merit and the conservation area, traffic/parking, and neighbouring residential amenity (loss of light, overshadowing and noise) are fully considered in the planning assessment below.

- 2.4 Disruption and disturbance from building works would be controlled by separate legislation. However, conditions will be imposed where relevant in order to limit any impact, particularly in terms of neighbouring amenity and the operation of the highway. The proposals do not include a commercial kitchen or public restaurant.
- 2.5 Historic England advised that they do not wish to offer any comments and suggested that guidance is sought from local Conservation Officers.
- 2.6 Transport for London raises no objection subject to conditions securing a: travel plan; cycle parking; a delivery and servicing plan; a construction management and logistics plan (CMLP); and any necessary local pedestrian/ cycle improvements by appropriate s106/s278 agreements.
- 2.7 The Royal Borough of Kensington and Chelsea raise no objection.
- 2.8 Environment Agency raise no objections.

### **3.0 PLANNING CONSIDERATIONS**

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

#### **National Planning Policy Framework (NPPF)**

- 3.4 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.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

#### **London Plan**

- 3.6 The latest London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

## **Local Plan**

- 3.7 The Council adopted the current 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 role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure.
- 3.8 The 'Planning Guidance' Supplementary Planning Document (SPD) 2018 is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.
- 3.9 The main planning considerations in light of the NPPF (2021), The London Plan (2021), and the Council's adopted Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as SPD), include: land use and acceptability of a hotel use in this location; the demolition of the existing building of merit; scale, bulk, design and appearance of the proposed building and the impact on the conservation area; impact on existing residential amenities of neighbouring properties; traffic impact on the highway network; and environmental impacts.

## **LAND USE**

### **Hotel Use:**

- 3.10 Paragraphs 81 and 82 of the revised NPPF outlines the Government's commitment to securing economic growth in order to create jobs and prosperity; and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF emphasises that significant weight be placed on the need to support economic growth and productivity.
- 3.11 London Plan Policy E10 aims for boroughs to support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision. The Policy seeks to achieve 58,000 net additional hotel bedrooms across London by 2041.
- 3.12 Local Plan Policy E1 states the Council will support the local economy and inward investment in the borough. Policy E3 adds that permission will be granted for new visitor accommodation within the three town centres, the Earls Court and West Kensington and White City Opportunity Areas. The justification to Policy E3 sets out the criteria against which proposals for visitor accommodation and facilities should be considered. These include:
- well located in relation to public transport;
  - no detrimental impact on the local area;
  - no loss of priority uses such as permanent housing;
  - provision of adequate off-street servicing;
  - at least 10% of hotel bedrooms designed as wheelchair accessible;
  - a high standard of design; and
  - schemes should add to the variety and quality of local visitor accommodation.

- 3.13 Outside of these identified areas, small scale hotels (not in excess of 50 bedrooms) are considered appropriate, subject to meeting the above criteria.
- 3.14 The site lies just outside and to the east of Fulham Town Centre and the Earls Court and West Kensington and White City Opportunity Areas the site is an established location for hotel use. Strategic Policy FRA relates to the Fulham Regeneration Area (FRA) which includes Fulham Town Centre. This policy supports the development of strategic sites to benefit the wider community including amongst other things: the provision of jobs; enhancing the vitality and viability of Fulham Town Centre; economic benefits for the wider community around the Fulham Regeneration Area to enable local people to access new job opportunities through training, local apprenticeships or targeted recruitment; social, physical, environmental and transport infrastructure to support.
- 3.15 The proposed replacement apart 50 apart hotel use in this location is considered appropriate in principle. The demolished hotel provided 43 bedrooms, whereas the proposed replacement building will accommodate 50 apart-hotel rooms and would no longer be a traditional hotel. However, an apart-hotel and traditional hotel, both fall in the same use class and the overall intent to provide short term accommodation, remains the same.
- 3.16 The proposed apart-hotel involves the provision of units ranging from 15.3sqm to 51.7sqm in area and in some cases, a degree of self-containment including cooking facilities. The units would be serviced and with controlled entry via a staffed reception desk and would be for visitors to the Borough on a short-term basis rather than as permanent residential dwellings (Class C3). The smaller units would cater to single occupiers, whereas the larger units could accommodate visiting families or people with carers etc.
- 3.17 The facilities provided within each room would not be sufficient for longer term occupation as a residential dwellinghouse (Class C3). A condition would be attached to prevent the premises from being used as the sole or main residence of any of the occupiers, and no person shall occupy the apart-hotel for a continuous period of more than 30 days.

### **Conclusions:**

- 3.18 The proposed replacement hotel development would contribute toward the vitality and viability of Fulham Road and the wider area, with the 50-bed apart-hotel contributing towards the continued provision of visitor accommodation in this location.
- 3.19 The proposed redevelopment would result in the retention of employment uses on site as well as provide additional employment generating floorspace and employment opportunities within the borough. The proposals also include a financial contribution toward local employment for paid and unpaid placements and an apprenticeship during the construction phase, employment opportunities during the operational phase, as well as seeking local procurement.

3.20 The proposed land use is considered acceptable in principle with regards to the relevant provisions of the revised NPPF (2021), the London Plan (2021), and Local Economy and Employment policies within the Local Plan (2018), subject to compliance with other relevant policies of the development plan.

#### **4.0 HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE**

##### **Streetscene Context:**

4.1 The site is located within the Moore Park Conservation Area. There are views of the application site from both directions along Fulham Road and from Maxwell Road opposite. The existing hotel building (Nos. 422 to 428) and the adjoining buildings (Nos.430 and 432) are all included on the Council's local register of Buildings of Merit, for their local townscape, architectural or historic importance. Buildings of Merit are non-designated heritage assets.

##### **Planning Policy Context:**

4.2 The NPPF emphasises the importance of well-designed buildings and places, stating in paragraph 126 that 'Good design is a key aspect of sustainable development, [and] creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 adds that planning decisions should ensure that developments [inter alia]:

- '- b) are visually attractive as a result of good architecture, layout...;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

4.3 London Plan Policy D3 requires that all new development enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions, and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well. London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities".

4.4 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect (a) the historical context of the site, (b) the scale, mass, form and grain of surrounding development, (e) good neighbourliness, (g) sustainability objectives, and, (h) the principles of accessible and inclusive design. Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the Planning Guidance SPD.

#### **Historic Environment Planning Policy Context:**

- 4.5 It is key to the assessment of this application that the decision-making process is based on the understanding of the specific duties in relation to listed buildings required by the relevant legislation, particularly the principal statutory duties stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act together with the requirements set out in the NPPF.
- 4.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.7 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 195).
- 4.8 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.
- 4.9 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 201 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 202 of the NPPF.
- 4.10 NPPF Paragraph 203 relates to the effect of an application on the significance of a non-designated heritage asset (i.e. Building of Merit) and states: "...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

- 4.11 Paragraph 204 adds that "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."

#### **Significance of Heritage Assets (Designated):**

- 4.12 The area comprising the Moore Park Conservation Area was the earliest estate development to be built in Fulham, being laid out in the 1850s and completed in the following decade. The Fulham Road part of the area is characterised by a variety of building types and styles resulting in a townscape of building groups with contrasting textures, colours and details. The Moore Park Conservation Area was designated on 10 April 1989 to retain the character of the area around Fulham Road between Fulham Broadway and the Borough boundary, including Buildings of Merit such as the Sir Oswald Stoll Foundation and Chelsea Studios, and the residential area of Victorian terraces between Fulham Road and King's Road.

#### **Demolition of locally listed, buildings of merit**

- 4.13 It is recognised that the buildings originally occupying the application were locally listed, buildings of merit. The principle of demolition of these buildings was previously considered acceptable in 2018. The planning/enforcement history section of this report provides further background to the demolition.
- 4.14 For the purposes of the current application, the baseline condition of the site should be considered to be a vacant site. Any harm to character and significance of the locally listed buildings has already occurred.

#### **Proposed building**

- 4.15 The application proposes a four storey plus basement building that replicates the visual concept of two pairs of villas with a contemporary expression.
- 4.16 The proposed front elevation would largely follow the original building line of the buildings previously occupying the site with some variations in setbacks and with a small projection of approximately 0.5 metres to the frontage of the eastern pair of villas. The gaps on either side to the neighbouring properties at No. 430 and Bovril Court would be reinstated and widened respectively while the facade between the villa frontages itself would be recessed as with the previous building. The rear building line would be extended out and the façade designed to complement the front with a simple design. A low, hipped, artificial slate-clad roof is proposed that would be set back behind a strong parapet. This roof would not be readily visible in oblique views from Fulham Road.



- 4.17 The expression of two pairs of villas would be created by two new, projecting facades that would be characterised by painted stucco rendering and strong stone cornices. Further refinement would be added by moulded stone window surrounds and distinct metal window framing as well as, to emphasise the base of the building, by deep, stepping recesses to the openings, textured rendering and black steel railings around the front light wells. The recessed elevation between the projecting villa facades would be treated differently, using decorative brickwork and a contemporary hotel entrance. The overall level of detailing and refinement is designed to complement the historic façade hierarchy, features and quality of the surviving villas in a contemporary manner.
- 4.18 The ground floor would have level access in the centre of the plan. Lightwells for the basement with railings are proposed along the majority of the frontage. The remainder of the paved forecourt would be enclosed by new boundary walls with railings of traditional design to match neighbouring boundary treatments.
- 4.19 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant provisions of the NPPF, Policies HC1, DC1 and DC4 of the London Plan, and Policies DC1, DC2, and DC8 of the Council's Local Plan.

**Basement Development:**

- 4.20 Local Plan Policy DC11 concerns new basements and extensions to existing basements, and typically seeks to restrict basement development to one storey, part (d) of Policy DC11 however identifies that exceptions may be made on large sites.
- 4.21 Policy DC11 further identifies that development proposals for basements should [inter alia]:
- not result in an unacceptable impact on the amenity of adjoining properties or on the local, natural and historic environment during and post construction;
  - be designed to minimise the risk of flooding and help reduce the volume and flow of surface water run-off through appropriate use of SuDS;
  - be designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure; and;
  - provide a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer); and; a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety.
- 4.22 The current application proposes a single basement level, and largely remains as previously 2018 permission approved in all other respects. It is considered that the proposal would remain in compliance with Policy DC11.

4.23 The application is supported by a Structural Engineering Report, and during the course of the application Officers have actively sought the provision of an outline Construction Logistics Plan. The submitted reports satisfactorily detail the method of basement excavation and construction, and the impact of the proposed development upon the local highway network and operation of Fulham Road. This element, along with an assessment of the proposed development in respect of flood risk and surface water management, is discussed in further detail below.

### **Conclusion**

4.24 The proposed Fulham Road façade has been designed with a clear visual reference to the group of villas and the character and appearance of the conservation area and makes a positive contribution to the setting of the neighbouring buildings of merit and to the character and appearance of the conservation area. Officers consider that the quality of the detailing would complement that of the original villas and together with the clearer separation between the villas the proposal would enhance and better reveal the significance of the conservation area.

4.25 The proposed new building would be an opportunity to respect and reflect the townscape attributes of the group of villas and of the conservation area and lift the quality of the streetscene and townscape. Final details of the materials to be used in the external appearance of the building would be secured by conditions.

4.26 In visual amenity terms Officers consider that the proposals represent a high-quality development, and a positive opportunity to regenerate this part of the Town Centre, and to enhance the quality of the townscape along Fulham Road.

4.27 Overall, the height, scale, massing, and detailed design of the proposals is acceptable within the local context, and would not harm the character and appearance of the application site and would appropriately connect the surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause undue harm to the setting of the surrounding conservation area. The development is therefore acceptable in accordance with the principles of the NPPF (2021), Policies HC1, D1, and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

### **Trees:**

4.28 London Plan Policy G7 is concerned with protecting trees, and requires that if a tree is to be removed, there should be adequate replacement. OS5 of the Local Plan (2018) seeks to protect existing trees and maximise planting; and SPD (2018) CAG6 encourages the planting of additional trees.

4.29 There are two Norway Maple trees to the front of the site and there are several mature trees at or near the rear boundary with Hilary Close. The application is supported by an Arboricultural report which includes mitigation measures to protect the trees during and after construction. The report does state however that two trees, one of the Norway Maple trees to the front, due to its poor condition, and a Common Lime tree to the rear, which has outgrown the site due to its cramped location, will be felled and replaced by suitable alternatives. The Council's Arboricultural Officer has considered the report and is satisfied that these two trees can be replaced, and that the remaining trees in and around the site will be protected during the works and their long term health will not be compromised by the proposed development. Conditions would be attached to secure the implementation of the measures contained within the arboricultural report, and the planting of replacement trees. On this basis the proposal complies with London Plan Policy G7, OS5 of the Local Plan (2018) and SPD (2018) CAG6.

**Accessibility:**

4.30 London Plan Policy D5 requires all new development to achieve the highest standards of accessible and inclusive design. Policy DC2 of the Local Plan (2018) and SPD (2018) CAG2 and CAG3 require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Specifically, London Plan Policy E10 and Policy E3 of the Local Plan (2018) require at least 10% of hotel rooms to be accessible. Access requirements have now been incorporated into Building Regulations.

4.31 The demolished hotel did not fully comply with current standards of accessible facilities in any of the public, staff or bedroom spaces. The Design and Access Statement confirms the new hotel will comply with current standards. In particular the proposed hotel would incorporate 6 accessible hotel rooms (over 10% of all the units), which will be located on various levels. The proposals include one parking space for disabled access, as well as the provision for a drop off area within the front forecourt of the hotel. All entrances from the street and forecourt would be level and there would be an accessible lift serving all floors available for visitors and staff. Detailed access matters would be covered under Building Regulations. On this basis the proposal accords with London Plan Policy D5 and E10, Local Plan Policies E3 and DC2 and SPD (2018) Key Principles CAG2 and CAG3.

**Safety and Security:**

4.32 The NPPF, London Plan Policy D11, Policies DC1 and DC2 of the Local Plan and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment. Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment are secured by Condition.

## **5.0 RESIDENTIAL AMENITY**

- 5.1 Policy DC2 of the Local Plan (2018) states all proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 of the Local Plan seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance. CC11 and CC13 of the Local Plan (2018) relate to environmental nuisance. SPD "Housing Standards" Key Principle HS6 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook. Key Principle HS7 (iii) requires new windows to be positioned at least 18 metres away from existing windows or if the standard cannot be met, then they must be designed to ensure no loss of privacy.
- 5.2 The application site adjoins residential properties to the north and east at Hilary Close and Bovril Court respectively. Hilary Close is a gated backland residential site which comprises two terraces with a total of 7 three-storey houses that face each other across a central courtyard. The nearest property, No. 7, sits perpendicular to the rear boundary of the site, and is separated by an existing electricity substation. The flank wall of No. 7 contains one window which serves a staircase, and there are views of the existing hotel from that rear garden.

Bovril Court is a 4-storey residential block. That building contains two windows in each of the ground, first, second and third floor levels in its opposing western flank facing which serve a bedroom and bathroom at each level.

### **Outlook and sense of enclosure:**

- 5.3 SPD (2018) HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. To test this, the Council use a reference line produced at an angle of 45 degrees from a point at ground level on the boundary of the site, or a point of 2 metres above ground level where rear gardens exceed 9 metres. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the development will have on the existing amenities of neighbouring properties.
- 5.4 The rear boundary that adjoins the garden of No. 7 Hilary Close is historic in nature and measures approximately 2.2 metres in height (it is proposed to replace this with a new boundary of the same height). Therefore, it is considered reasonable to take the angle of 45 degrees from 2.2 metres above ground level. In this case the demolished hotel already breached an angle of 45 degrees taken from the top of the boundary.

- 5.5 In terms of height to the eaves, the proposed building would be the same as that approved in 2018 which is 0.9m higher than the demolished building. Similarly, the proposed footprint would be the same as that previously approved - the east portion of the new hotel would be 2.3 metres closer to the boundary with No. 7 Hilary Close. Notably, the proposed eastern part of the development would largely onto the electricity substation and flank wall of No. 7 which contains a non-habitable window that serves a staircase landing. Officers, acknowledge that the new hotel would be visible from the rear garden of No. 7, however the increased footprint and height would not be significantly different from the circumstances that previously existed with the demolished hotel. It is not considered the development would cause any significantly demonstrable harm to the outlook and sense of enclosure to No. 7 Hilary Close. Overall, given the distances involved and orientation, it is not considered the proposed development would cause undue loss of outlook or increased sense of enclosure to the residential properties in Hilary Close.
- 5.6 In respect of Bovril Court, the proposed increase in height of 0.9 metres is that same as that previously approved in 2018. Given existing close proximity and modest increase in height, and based on on-site judgement, officers consider that the proposals would not result in any undue demonstrable harm.
- 5.7 Overall, the proposal is considered to be acceptable impact on existing outlook with regards to Policy DC2 of the Local Plan (2018) and SPD (2018) Policy HS6.

**Privacy:**

- 5.8 SPD (2018) HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.
- 5.9 In this case there were already a large number of hotel bedroom windows in the rear elevation of the hotel which overlooked Hilary Close. Overall, the houses in Hilary Close form part of two separate terraces, perpendicular to the rear elevation of the demolished hotel, as such views between the existing residential and hotel windows are restricted due to oblique angles. Some of the hotel bedroom windows in the eastern part of the proposed building, adjacent to No. 7 Hilary Close, will be 2.3 metres closer to the rear boundary, however, due to the orientation of No. 7 Hilary Close there would be no direct views to any opposing habitable room windows that property.
- 5.10 The rear windows in the new hotel have been designed to be smaller than the previous windows and would reduce the perception of overlooking. Also, the rear windows in the top floor (fourth floor) would be setback slightly behind a raised parapet, and this would mitigate against overlooking.
- 5.11 There would be three small windows at first, second and third floor levels facing Bovril Court, which are secondary windows to the rooms they serve, and these would be obscure glazed glass and be fixed shut. This would be secured by condition.

- 5.12 Overall, it is not considered the proposal would cause undue loss of privacy to surrounding residential properties, in accordance with Policy DC2 of the Local Plan (2018) and SPD Policy HS7.

**Sunlight/daylight:**

- 5.13 The Council has had regard to the guidance set out in Building Research Establishments' (BRE) Guidelines 2022 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable.
- 5.14 The applicant has carried out an updated daylight/sunlight assessment in line with the latest BRE guidelines on the potential impact of the massing of the proposed building on the surrounding properties of Bovril Court and Hilary Close. The impact to Chelsea Studios and the playground of the nursery at No. 430 have also been considered.
- 5.15 The report concludes that the resultant hotel building would be only marginally higher and deeper; the changes to daylight, sunlight and overshadowing would be well within the BRE guidelines. Officers have reviewed this submission and have no reason to question the conclusions of the report. The proposed development would not result in any significant demonstrable harm to the amenities of the neighbouring properties. Overall, officers consider that the daylight and sunlight levels would be satisfactory, and the proposal complies with DC2 of the Local Plan (2018).

**Noise:**

- 5.16 London Plan Policy D14 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening, or internal layout and promoting new technologies and improved practices to prevent noise. CC11 and CC13 of the Local Plan (2018) advise that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough, and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. These are supported by SPD Policies NN1 - NN6.
- 5.17 The development will be on a busy road just outside of the town centre and in front of Chelsea Football Stadium where there is already a high level of background noise. However there have been noise implications associated with the existing hotel due to its established historic use with few planning controls. Unlike, the demolished hotel, the proposed development represents an opportunity to add "necessary" conditions to make the scheme more acceptable in this location in respect of current planning policies and thereby mitigate against undue harm.

- 5.18 The demolished building included a large flat roof to the rear of at ground floor level and had been used without planning permission as a roof terrace. That roof terrace has not been retained in the current scheme. There would also be no public or staff access to the rear open area at ground floor other than for periodic maintenance of the garden area. It is proposed to attach conditions to secure this and to prevent the flat roof areas of the building being used as a roof terrace; this would be secured by condition.
- 5.19 In the new hotel, all primary plant will be in a basement plantroom. This will assist in reducing external noise emissions. As well as acoustic containment, this location also provides natural screening of extraneous noise from the plant. Conditions will secure details of noise, vibration and sound insulation.
- 5.20 Overall, officers consider that the noise impacts of the proposed development would be acceptable, and the proposal complies with London Plan Policy D14, Local Plan policies CC11 and CC13, and SPD Policies NN1 to NN6.

## **6.0 TRANSPORT ACCESS AND PARKING**

- 6.1 Policies T1, T2, T3, T4, T5, T6.4 and T7 of the London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 6.2 Policy T1 of the Local Plan (2018) supports The London Plan. Policy T2 of the Local Plan (2018) states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies T3 and T4 of the Local Plan (2018) set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Policies TR1 - TR15.
- 6.3 The site is located on Fulham Road and has a Public Transport Accessibility level (PTAL) of 5, which is classified as 'very good' in terms of its proximity to the public transport networks and service availability. The site lies just outside Fulham Town Centre which lies to east. Fulham Broadway Underground Station is also 200m to the east which is within easy walking distance to the east, and there are bus stops immediately outside the site.

### **Travel Plan:**

- 6.4 The application is accompanied by a draft Travel Plan which sets out the anticipated transport impacts of development and measures to promote and encourage sustainable travel. The Travel Plan targets both staff and guests. The Council's Highways Officer has considered the draft document and is satisfied with its contents; and recommends an Active Travel Plan in line with Transport for London guidance is submitted together with allowance for monitoring by the Council. This would be secured by a S106 obligation that would also require an annual review and revision of the travel plan, if necessary, after one, three and five years of operation.

### **Car/Coach Parking:**

- 6.5 Policy T6.4 of the London Plan seeks a balance between promoting new development and preventing excessive car parking and sets maximum parking standards. Policy T4 of the Local Plan (2018) requires compliance with the Council's car parking standard except in exceptional circumstances and Policy T5 states at least one blue badge holder parking space should be provided for hotels.
- 6.6 The existing vehicular entrance would be retained, and exit would be repositioned to allow access and egress to and from the loading/servicing area. The access arrangements will continue to allow cars and taxis to drop-off or collect passengers within the site. One parking space which would be for blue badge holders only would be provided within the site on the front forecourt, and this is considered acceptable. There would be no provision for coach parking on the site, and the developer has agreed to enter into an agreement not to permit coaches parking on Fulham Road; this would be secured by condition. The Applicant has agreed to fund the cost of the works to the highway, including any associated footway improvements; this would be secured by a S106 obligation.
- 6.7 Subject to conditions and a s106 obligation the proposed vehicular parking arrangements are considered satisfactory and in line with Policy T6.4 of the London Plan and Policies T4 and T5 of the Local Plan.

### **Cycle Parking:**

- 6.8 Policy T5 of the London Plan requires cycle parking to be provided in all new development. Table 10.2 of the London Plan sets out the minimum cycle parking standards in line with Policy T5. The minimum standard for hotel uses (Class C1) is 1 short term space per 50 bedrooms and 1 long stay space per 20 bedrooms. Policy T3 of the Local Plan (2018) seeks increased opportunities for cycling and walking and allows for hotels (over 30 bedrooms) to have 1 space per 20 bedrooms with 1 space per 3 staff.
- 6.9 Cycle space has been allocated in the front forecourt which includes sufficient space for cycling facilities. The full details will be secured by condition. In addition, cycle improvements involving cycle links and improving off-site cycle routes towards Fulham town centre would be generally supported through this development to make cycle use more attractive and ensure that car trips are minimised. A financial contribution of £25,000 towards cycle routes improvements in the vicinity of the site would be secured by a S106 obligation. .
- 6.10 Subject to conditions and a s106 obligation the proposed cycle parking arrangements are considered satisfactory and in line with Policy T5 of the London Plan and Policy T3 of the Local Plan.

### **Servicing and Deliveries:**

- 6.11 London Plan Policy SI 7 outlines the Mayor's approach to waste management. CC7 and CC13 of the Local Plan (2018) require development to incorporate suitable facilities for the storage and collection of segregated waste. SPD (2018) TR3 seeks off-street servicing for all new developments.



- 6.12 A draft servicing and delivery strategy has been submitted which confirms deliveries, servicing and refuse collection are proposed to take place within the site. A designated area has been provided on the western part of the forecourt. The Council's Highways Team have assessed these proposals and consider these to be acceptable. A final servicing and delivery strategy will be secured through the S106 Agreement.
- 6.13 Subject to a s106 obligation the proposed servicing and delivery arrangements are considered satisfactory and in line with London Plan Policy SI 7, Policies CC7 and CC13 of the Local Plan and SPD Policy TR3.

#### **Construction Phase:**

- 6.14 A construction Logistics Plan (CLP) has been submitted with this application together with a building contract which sets out a programme for the implementation of the development. The CLP consider nearby developments and the cumulative impact on the highway is minimised.
- 6.15 The Council's Highways Team have considered the CLP and are satisfied that the construction works would not adversely impact on the operation of the public highway. A final CLP would be secured by condition together with the Build Contract and subject to this, the proposals would accord with Policies T1, T2, T6, CC7, CC11, CC12 and CC13, SPD (2018) HS1, TR1, TR2 and TR3 and London Plan Policy T7.

### **7.0 ENVIRONMENTAL CONSIDERATIONS**

#### **Sustainable Design and Construction:**

- 7.1 A Sustainable Design and Construction Statement has been submitted with the application. The Statement shows that the sustainable design and construction measures for the proposed buildings will meet the "Excellent" BREEAM rating. The proposals meet the requirements of Local Plan Policy CC2 and London Plan Policy SI 2 on Sustainable Design and Construction.
- 7.2 Further details for the implementation of the sustainable design and construction measures are required regarding the submission of a post construction BREEAM assessment, to confirm achievement of the "Excellent" rating and confirmation of the implementation of the residential measures will be secured by condition.

#### **Energy:**

- 7.3 London Plan Policy SI 2 states that major developments should meet the minimum standards for sustainable design and construction. Local Plan Policy CC1 and London Plan Policy SI 2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for CO2 emissions reductions in new buildings.

- 7.4 As required, an Energy Assessment has been carried out for the new hotel which includes the integration of energy efficiency measures, including adoption of high standards of insulation, super-efficient variable refrigerant flow heating/cooling utilising central plant capable of an energy network connection and a roof mounted PV array to off-set CO2 emissions. The energy assessment shows an improvement of just over 59% in terms of CO2 emissions reductions compared to the minimum requirements of the Building Regulations 2013. The proposed sustainable energy measures reduce CO2 emissions and meet the London Plan target of a 35% reduction in emissions. However, a payment in lieu is required to offset these emissions of £127,936.50 which is to be secured via a S106 agreement.
- 7.5 Subject to conditions securing the energy measures in the energy statement and the CO2 offset payment being included in the s106 Agreement, the proposal is considered acceptable and in line with against Local Plan Policy CC1 and London Plan Policy GG6.

### **Flood Risk and Sustainable Urban Drainage Systems (SUDs):**

- 7.6 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.7 London Plan Policies SI12 and SI 13 requires new development to comply with flood risk assessment and management requirements of National Policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development. Local Plan Policy CC3 and CC4 state that developments will be required to submit Flood Risk Assessments and Sustainable Drainage Strategies which demonstrate the reduction in the use of water and management of surface water run-off.
- 7.8 Policy CC3 of the Local Plan (2018) requires that new development is designed to take account of increasing risks of flooding and states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. Policy CC4 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDs). These are supported by SPD Policy SDC1.
- 7.9 This site is in the Environment Agency's Flood Zone 3. This indicates a high risk to flooding from the Thames, although the site is well protected by flood defences such as the Thames Barrier and local river walls. If these were breached or over-topped, the site could be impacted by flood waters, although this possibility is not expected to be a potential issue until 2100. As the site includes a basement, groundwater and sewer flood risks are issues that are relevant for the application but the site is not in a surface water flooding hotspot, so this source of flooding is not significant.

- 7.10 The submitted Flood Risk Assessment (FRA) includes information on a range of flood mitigation measures which have been implemented as part of the design. The FRA confirms that structural waterproofing measures will be integrated into the basement capable of protecting the new building from groundwater whilst also not increasing flood risk off-site. The FRA also details flood resilience measures to be integrated to help mitigate flooding impacts. The proposed measures in this respect are adequate, and these will be secured by a condition.
- 7.11 In terms of managing surface water run-off from the site, the application is supported by an outline strategy developed to demonstrate that it is feasible for the site to meet the London Plan requirements in relation to attenuation of surface water runoff. For example, the new development will increase the amount of permeable surface at the site by including soft landscaped areas and permeable hard surfaces, and the inclusion of attenuation tanks. A condition will secure the implementation, retention and maintenance of the proposed SUDs measures .

#### **Contamination:**

- 7.12 Local Plan Policy CC9 states that Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites, to ensure that mitigation measures are put in place.
- 7.13 Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. Site investigation together with a risk assessment, remediation and long-term monitoring would all need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Following review of the application the Council's Land Contamination Team consider the proposals satisfactory subject to details secured by conditions.

#### **Air Quality:**

- 7.14 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new developments. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of existing poor air quality due to the road traffic vehicle emissions from Fulham Road. The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality. The development proposal will introduce new receptors into an area of poor air quality.
- 7.15 The integration of energy efficiency measures, including Air Source Heat Pumps and solar panels, enables a 59% reduction in CO2 emissions. The 59% figure is in line with the London Plan minimum requirement of a 35% improvement.

7.16 The Council's Air Quality Officer has considered the proposed development and submitted Air Quality Assessment and raise no objections subject to conditions relating to air quality, namely with regard to Air Quality Dust Management Plan (Construction), Ventilation Strategy, Ventilation Strategy compliance, Zero Emissions Heating, Aerobic Food Digester (AFD), and a Zero Emission Delivery Hub.

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

### **Mayoral CIL:**

8.1 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 development, according to the figures provided in the applicant's mayor CIL form, is estimated to be liable £176,800 plus indexation. 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 8.3.

### **Local CIL:**

8.2 The borough's own community infrastructure levy came into effect on 1st September 2015. The proposed charge for this part of the borough would be nil charge for hotel (Class C1) use.

## **9.0 PLANNING OBLIGATIONS**

9.1 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan Policy DF1 and Local Plan Policy INFRA1 recognise 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.

9.2 The proposed legal agreement would incorporate the following heads of terms:

- 1) Contribution to economic development (circa £13,875) including the following:
  - a. Contribution of circa £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)
- 2) 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)
  - 3) Fund necessary highway works arising from the development to Fulham Road frontage
  - 4) Provision of a Travel Plan, and fund associated reviews (£3000 per review)
  - 5) Development to be 'Coach free' (no coaches associated with the hotel use to park within the site or on Fulham Road; and hotel to advertise this restriction on their website)
  - 6) Fund cycle route improvements (£25,000)
  - 7) Provision of a Servicing and Deliveries Management Plan
  - 8) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process
  - 9) Carbon-off setting to achieve net zero carbon emissions payment in lieu of the development (£127,936.50)
  - 10) AQDMP Compliance monitoring of £10,000 per annum of the construction phase of the development
  - 11) Contribution towards Town Centre and Fulham Regeneration Area improvements: appropriate economic, social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole (£175,000)
  - 12) A commitment to meet the costs of the Council's associated legal fees.

## **10.0 CONCLUSION**

- 10.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 10.3 The principle of the land use and the nature of the proposal are considered acceptable. The loss of the previous building of merit has been justified and the

replacement hotel building would be compatible with the scale and character of existing townscape and would enhance the setting of the conservation area. The proposal would not cause demonstrable harm to the amenities of neighbouring residents. The impact of the development, subject to conditions and s.106 agreement, would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is in accordance with relevant national guidance, London Plan Policies, the Local Plan (2018) and Planning Guidance SPD Policies (2018).

- 10.4 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. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 10.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 legal agreement.