
Ward: Brook Green

Site Address:

101 - 105 Shepherd's Bush Road London W6 7LR



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For identification purposes only - do not scale.

Reg. No:

2023/02202/FUL

Case Officer:

Richard Kealey

Date Valid:

30.08.2023

Conservation Area:

Constraint Name: Brook Green Conservation Area
- Number 3

Committee Date:

07.11.2023

Lakeside/Sinclair/Blythe Road Conservation Area -
Number 36

Applicant:

St Mungo's

C/O Agent Peacock + Smith London EC1Y 0UP

Description:

Continued use of the premises as hostel accommodation (Class Sui Generis) on a temporary basis between 1st December 2023 and the 30th March 2024.

Drg Nos: Flood Risk Assessment - Appendix 1 of the Cover Letter by Peacock + Smith

Ref: 02/5371/RM/EK (23 August '23). Updated drawings rec'd 04 Oct 2023 entitled:

1982/2/11 Rev.A, 1982/2/12, 1982/2/13, 1982/2/14, Existing and proposed floor plans for 105 Shepherds Bush. Travel Plan dated 04/10/2023. Meliora House Good Neighbours Plan by St Mungos'.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Conditions:

- 1) The temporary use of the site as a hostel, hereby approved is permitted for a limited period only until 30th March 2024, after which the use shall be discontinued. The site shall be made good to its original condition.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 2) The development hereby permitted shall be built in complete accordance with the drawings hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 3) At the end of the temporary change of use period, 30th March 2024, the site shall revert to their original uses as two independent Guest House/Hotels (Class use C1). All operations as a hostel (Sui Generis) shall cease. The internal link between the properties known as, '101-103 Shepherd's Bush Road' and '105 Shepherds Bush's Bush Road shall be removed and evidence of such shall be provided to the council within 6 months.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC4, DC8 and HO11 of the Local Plan (2018).

- 4) The continued temporary change of use hereby permitted shall be operated in line with the information outlined in the Good Neighbours Plan (management plan) hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 5) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment submitted with this application (Appendix 1 of the Cover Letter by Peacock + Smith Ref: 02/5371/RM/EK(23August23)LBHF). All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

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).

- 6) The continued temporary change of use hereby approved shall only be used as a hostel facility falling within Class Sui Generis of the Town & Country Planning (Use Classes) Order 1987 (as amended). The resulting converted property shall not be used as housing in multiple occupation falling within Class C4 or as self-contained residential uses within Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (As amended 2017).

The use of the property as either house in multiple occupation or self-contained units rather than as a hostel would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO11, HO8 of the Local Plan (2018).

- 7) The cycle parking (Sheffield stands) located in the front forecourt of the site, shall be made available at all times. The provision for cycle storage shall be so maintained for the life of the development.

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

- 8) The continued use as hostel accommodation shall operate in full accordance with the revised Travel Statement (dated 04 Oct 2023) in order to reduce dependency on trips using private cars.

To ensure satisfactory provision for sustainable travel arrangements and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018) and Policy T5 of the London Plan (2021).

Justification for Approving the Application:

- 1) It is considered that the proposal would not have a significant effect on the residential amenity of nearby occupiers and would not be harmful to the conservation area. In this respect the proposal complies with Policies CC3, CC11, CC13, CF1, CF2, DC1, DC8, HO4, HO7, HO8, E2, T2 and T3 of the Hammersmith and Fulham Local Plan (2018) and London Plan (2021) Policies GG1, D3, D4, D5, D11, D14, H12, HC1, SI13, T1, T3, T4 and T5.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 23rd August 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith

Dated:

31.08.23
18.09.23

Neighbour Comments:

Letters from:

Dated:

14 TADMOR STREET LONDON W12 8AH	22.09.23
No Address Given	22.09.23
16 Dewhurst Road London W14 0ET	07.10.23
No Address Given	22.09.23
93 Sterndale Road First Floor Flat London W14 0HX	25.09.23
Minford Gardens 40 LONDON W14 0AN	07.09.23
4A Sterne Street London W12 8AD	23.09.23
4A Sterne Street london W12 8ad	23.09.23
61 Bolingbroke Road London W14 0AH	08.09.23
28a Sterne Street London W12 8AD	25.09.23
99 Brook Green London W6 7BD	11.09.23
Level 4 Clockwork Building 45 Beavor Lane London W6 9AR	01.09.23
45 Sterndale Road Sterndale Road Hammersmith W14 0HT	26.09.23
144 Shepherds Bush Road Hammersmith W6 7pb	22.09.23
57 Sterndale Road London W140HU	25.09.23
77 Sterndale Road London W14 0HX	25.09.23
50 Sterndale Road London W140HU	23.09.23
79 sterndale road London W14 0HX	08.09.23
26 melrose gardens london W67RW	10.09.23
144 Shepherds Bush Road London W6 7PB	22.09.23
3 TADMOR STREET, London W128AH	22.09.23
144 Shepherds bush road Hammersmith W6 7pb	22.09.23
81 addison gardens London W14 0DT	23.09.23
Sterndale road London W14 0HU	27.09.23
W14 0HX	25.09.23

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a four storey, end of terrace property (known previously as Royal Guest House 2, 105 Shepherd's Bush Road) and a mid-terrace property (101 - 103 Shepherd's Bush Road) located on the eastern side of Shepherd's Bush Road. The site consists of a temporary homeless shelter known as 'Meliora House' operated by St Mungo's charity.
- 1.2 The sites have been amalgamated under a temporary permission into a single unit

and operate as a homeless shelter (hostel accommodation) falling within a Sui Generis Use class and currently has temporary permission until 30/11/23.

- 1.3 The site is located within the Lakeside/Sinclair/Blythe Road Conservation Area. Additionally, the site is close to the boundary with the Brook Green Conservation Area, to the south of the site.
- 1.4 The site is located outside the designations of both Shepherds Bush and Hammersmith town centres, and is located within the Environment Agency flood risk zones 2/3.
- 1.5 The immediate character and appearance of the area along Shepherds Bush Road is a mixture of commercial uses at ground floor with accommodation at upper levels. The area also contains a number of small hotels/guest houses/hostels.
- 1.6 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent). Shepherds Bush Road is classified as London Distributor Road and the site is within Controlled Parking Zone C. A nearby bus stop serves bus routes 72, 220, 283, 295 and N72 which provide links to East Acton, Ladbroke Grove, Willesden Junction, Hammersmith, Wandsworth and Clapham Junction.
- 1.7 The Hammersmith stations are 0.4miles/8 minutes away which affords access to TfL Hammersmith & City, Circle, District and Piccadilly underground lines. Kensington (Olympia) station is 0.6miles/12 minutes away which affords access to TfL Overground and Southern Rail services. Goldhawk Road is also 0.5miles/10 minutes away which is also served by TfL Hammersmith & City and Circle lines.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permissions (2020/02546/FUL and 2020/02545/FUL), was approved at Committee in February 2021 and allowed the use of the sites as a single homeless shelter for a temporary period expiring on the 30th of November 2023. Once the permission expires, the uses of the properties should revert back to a hotel and guest house. The current application seeks to extend the temporary use from the 1st December 2023 until 30th March 2024, to cover the Winter months after which the use will be relocated.

2.2 101 - 103 Shepherd's Bush Road:

2021/00560/DET - Submission of details of Travel Plan Statement pursuant to condition 8 of planning permission ref: 2020/02545/FUL granted 4th February 2021 - Approved

2.3 105 Shepherd's Bush Road:

2021/00565/DET - Submission of details of Travel Plan Statement pursuant to condition 8 of planning permission ref: 2020/02546/FUL granted 4th February 2021 - Granted

3.0 PROPOSAL

- 3.1 The current application is for a short term extension of the current use by a further 4 months, in order to facilitate the provision of the homeless services over the winter period, after which the hostel use will cease and be relocated, and the previous hotel/guest house uses will be reinstated.
- 3.2 The previous permissions 2020/02546/FUL and 2020/02545/FUL, allowed for the use of the sites as a single homeless shelter, which is operated by St Mungos, a homeless charity and housing association. This temporary permission expires on the 30th of November 2023. The current application seeks to extend the temporary use from the 1st December 2023 until 30th March 2024.
- 3.3 In support of this application the applicants have confirmed existing and proposed floor plans, provided a good neighbours plan (management plan), travel plan statement, patrol maps, planning statement and a Flood Risk Assessment (FRA).

4.0 PUBLICITY AND CONSULTATIONS

- 4.1 The application was publicised by way of site and press notices. In addition, individual notification letters were also sent to neighbouring properties.
- 4.2 In total 22 residents' responses have been received 20 objecting to the proposal and 2 supporting the application. The responses received can be summarised as follows:

Objecting:

- Current operation has led to an increase in anti-social behaviour in the area, drinking on the street and open drug taking
- Nearby vulnerable uses nearby including schools are located e.g off Brook Green
- A bike was left overnight in residents garden on two occasions. After contacting the hostel, a phone call was made by unknown person advising resident to move house immediately.
- Police, fire and ambulances called weekly to the site
- Man left the hostel with no clothing on, in front of school children
- Hostel staff have been on strike on occasion - question who is running the shelter during strike periods
- Despite previous application documentation, never seen staff wearing high vis St. Mungo's vests conducting regular patrols of the immediate locality around 11am & 5pm daily as outlined
- Male residents harassing people on the street, often in groups and unsupervised
- Do not support any increase in bedrooms
- Drug dealers present several times a day in the vicinity
- Steering wheel of car stolen and a number of car break ins / attempted robbery
- Question if the security system in place at the hostel had a 'secure design' system as recommended by the police.
- Too large a number of residents in the hostel and that they will have too few communal facilities
- The level of support of the vulnerable population is insufficient
- Noise and disturbance
- Smell from construction materials and light from construction

Supporting:

- Until the existing community has adequate social care in place to support these vulnerable communities, there must be no more HMOs granted planning approval and no more off licence permits issued in the area of Shepherds Bush Green.
- Praised St Mungo's operation, noting they are a professionally run organisation providing a much-needed service.
- Hostel has been managed responsibly and wish for it to remain.

4.3 Officer response: All material planning issues raised are considered and addressed in the following assessment. Other issues relating to other sites / hostels are not material planning considerations. Likewise, issues relating to crime in the area generally, whilst noted, fall outside the remit of this planning application. Additionally, no construction work is proposed as the application relates to the use of the land only.

+ External Consultations

4.4 Thames Water were consulted and raised no objections to the proposal.

4.5 Metropolitan Police - No comments to make at this time.

4.6 A site visit was conducted by the case officer on the 20.09.2023 which included an internal inspection of the hostel to view current facilities and observe conditions of the site.

4.7 Following the site visit, amended floorplans were provided to more accurately reflect the set up on the site.

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2023)

5.4 The National Planning Policy Framework (NPPF) was updated on 5 September 2023, coming into effect and replaces the NPPF (2021). This document is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

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

+ London Plan

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

+ Local Plan

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

6.0 PLANNING ASSESSMENT

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

- o Principle of Land Use
- o Quality of Accommodation
- o Design and Appearance (including impact on heritage assets).
- o Residential Amenity (outlook/privacy/noise)
- o Highways and Transportation
- o Environmental Matters

LAND USE

6.2 London Plan Policy GG1 (Building strong and inclusive communities) seeks to, 'build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities'. Part c of this policy outlines access to good quality community spaces, services, amenities is needs to increasing active participation and social integration, and addressing social isolation. Likewise, part l seeks to ensure creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class, or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

6.3 London Plan Policy H12 (Supported and specialised accommodation) outlines, 'The delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for'. This policy goes onto to identify supported and specialised accommodation includes accommodation for rough sleepers (point 6).

- 6.4 Local Plan Policy CF1 seeks to support community facilities and services and is echoed by Local Plan Policy CF2 which supports social infrastructure. Local Plan policy HO7 seeks to encourage and support applications for new special needs and supporting housing. This policy sets out four requirements:
- a. there is an established local need for the facility;
 - b. the standard of the facilities is satisfactory and suitable for the intended occupants;
 - c. there is a good level of accessibility to public transport and other facilities needed by the residents; and
 - d. the impact of the proposed development will not be detrimental to the amenity of the local area or to local services
- 6.5 Local Plan Policy HO8 sets out the acceptability of planning applications for new hostels. They will be considered in relation to the following criteria:
- a. the quality of the accommodation that is proposed or might be lost;
 - b. the impact of the accommodation on the locality; and
 - c. the local need for the proposed or existing HMO or hostel accommodation.
- 6.6 The proposal would continue to provide 40 en suite rooms hostel which would be used for a temporary period up until 30th March 2024 to house rough sleepers. The planning statement outlines, 'The St Mungo's hostel provides a base of operations for the assessment of the needs of users in this area of London. The hostel provides a 'H&F Rough Sleeping Assessment Hub' that delivers a provision of accommodation for rough sleepers across the Borough. An initial six-week period assessment period is carried out before more permanent forms of accommodation are then identified for the individual.' The average length of stay is about 12 weeks. All bed spaces are used by West London Local Authorities - 20 are solely for the use of H&F and 20 are spread across 7 West London Boroughs which include: Ealing, H&F, RBKC, Harrow, Hounslow Brent and Hillingdon. No bed spaces are used by Border Force or any other authority.
- 6.7 Information available to officers, sets out the need for such facilities. Since the hotel opened in 2021, a total of 606 people been accommodated at the site across the entire site (101-103 and 105 Shepherds Bush Road). The 101-103 unit (H&F only part of the site) accommodated a total of 141 people - these 141 people were found rough sleeping in the Borough who would have otherwise remained on the streets. The operation of the site has a 'prevention of rough sleeping' element to the service, as well as an outreach team. In 2018, Hammersmith & Fulham became the first local authority to undertake to end all rough sleeping. The current proposal helps to reduce the numbers of rough sleepers in the area and provide help and guidance for those looking to move into permanent accommodation.
- 6.8 Sleeping rough is very rarely an active choice; the causes are multiple and people's circumstances unique but often a result of a combination of structural and personal issues. The average age at death of people who experience homelessness was 44 years for men and 42 years for women, compared to 76 years for men and 81 years for women in the general population (ONS, 2018)
- 6.9 As a compassionate council, H&F is determined to reduce and eventually end rough sleeping in the Borough. Ending Rough Sleeping and Homelessness is a Manifesto commitment ('Rising to the challenges of our time, together' Page 48).

- 6.10 In 2022/23, 10,053 people slept rough in London, an increase of 21% (8,329) than in the previous year. In 2021/22, 214 people slept rough in H&F and this increased by 11% (238) in 2022/23. Alongside other London Boroughs H&F is currently seeing an unprecedented increase in rough sleeping. Over the past 5 years H&F estimated that between 5-7 people sleep rough on any given night. However, this has increased to an estimated 9-11 people since Summer 2023.
- 6.11 In the first six months of 2023 (April-Sept) H&F has seen 303 people sleeping rough, which is a 27% increase on the whole of the previous year. The main drivers contributing to rough sleeping are the cost of living crisis, shortage of housing supply, high rents and multi-faceted, complex support needs impacting on peoples' ability to find and keep accommodation. Information available to the council also show an increase in former refugees becoming homeless as the Home Office are expediting asylum decisions.
- 6.12 Given the use proposed is only temporary and no permanent loss of the hotel/guest house uses would occur, the principle of the proposed small extension in time, of the land use until March 2024 can be supported by officers. Whilst Local Plan Policy E2 sets out primarily hotels should be located within town centres and this site is outside any town centre designation, it is adjacent to two town centres and represents an established use. This permission seeks a short extension to the previous approvals. The planning agent and applicants have outlined, that after the 30th of March when this permission will expire, St Mungo's will be decanting from the site. The applicants note the level of need and support for homeless people will remain and they are looking at other options and models within H&F and other West London Local authorities. The owners of the site have given a clear indication that the hotel and guest house uses will be reinstated.
- 6.13 Based on the evidence available to officers and information presented within this application, a clear need for such a facility is recognised. The council's Supplementary Planning Document and Local Plan and London Plan policies support this use. As such, on balance, the principle of the Land Use is judged to be acceptable. Given this permission is only for a 4-month extension, on balance no objections are raised in land use terms. Should the application be granted, a condition is recommended which will require the two units to be separated again (removing the internal link) and used for C1 Class uses once more, beyond the 30th of March 2024.

QUALITY OF ACCOMMODATION

- 6.14 The case officers visit to the site included an internal inspection of on-site facilities (see section 4.6 of this report). The quality of the existing hostel accommodation is judged to be acceptable.
- 6.15 As set out above in section 6.3 in order to meet the needs of people who need care and support, the standard of facilities should be satisfactory and suitable for the intended occupants. Floor plans provided confirm each of the bedrooms across both sites contain its own en-suite bathroom with shower. This is judged as being acceptable as private sleeping and washing facilities are being proposed.

- 6.16 Since the original permissions, the charity has also provided a resident's communal kitchen which allows for the preparation of food. Many of the bedrooms also have a fridge and microwave. Additionally, the kitchen contains seating and a tv, board games etc. This in turn, facilitates users of the hostel to remain on site for longer periods of time. Washing facilities (washing machine and tumble drier) are also provided on site and can be used by residents.
- 6.17 Each bedroom contains its own window which would afford natural lighting and provide users with acceptable levels of outlook. The internal link at ground floor level allows access into 101-103 Shepherds Bush Road and 105 Shepherds Bush Road. The only entrance/exit is the main doorway of 101-103 Shepherds Bush Road which is well overlooked from the main staff office. Given the unique challenges some users may present, staff have sole access to the entry system affording them control over who can enter and exit the building. This in turn aims to protect vulnerable residents and help ensure their safeguarding.

+ Internal space standards

- 6.18 Whilst Local Plan Policy HO4 and HO11 expect all housing developments to be of a high-quality design and be designed to have adequate internal space there is not a designated minimum space standard for temporary accommodation. No internal re-configurations are being proposed, rather a small extension of the previous permissions.
- 6.19 Officers consider that this proposal which provides a range of room sizes from c. 5sq.m to c. 13sq.m. Note, these figures do not include the floor space of the en-suite facilities. Given the temporary nature of this development and that normally residents would not stay any longer than 6 weeks in the units, it is judged that on balance the internal space of the new proposed short-term residential accommodation is acceptable.
- 6.20 An office and staff room are located to the front of the property at ground and first floors respectively. This represents a separation in terms of stacking between residential accommodation and other uses. This should also help ensure noise disturbance is reduced. Given Shepherds Bush Road is a busy thoroughfare between Hammersmith and Shepherds Bush town centres, the placement of the majority of accommodation to the rear of the property would also reduce noise from the highway for the occupants. Likewise, having office and the staff rooms along the front elevation also allows for passive surveillance to take place to the front of the property which would help to prevent any potential anti-social behaviour.

+ External amenity space

- 6.21 No external amenity space is provided, aside from the front garden. An external smoking area is located to the rear. This space helps to prevent residents gathering to the front of the property. After 9PM, only one resident is permitted in the smoking area at any one given time. Several public parks are located nearby including Brook Green and Little Brook Green opposite.

+ Secured by Design

- 6.22 London Plan Policy D3 (Optimising site capacity through the design-led approach) notes, "Measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places.". This is reinforced and supported by London Plan Policy D11 (Safety, security and resilience to emergency) criterion b.
- 6.23 The site features extensive CCTV and a large CCTV screen showing a live feed is located in the main office, which is manned by staff 24/7. Residents have to sign in and out of the hostel each time they enter and leave and the hotel door remains locked with only staff able to 'buzz' residents and visitors into the facility. The Met Police did not object to the scheme as outlined under the technical consultations section of this report.

DESIGN AND HERITAGE

- 6.24 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 6.25 Section 72 of the above Act states in relation to Conservation Areas that:
'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.26 Section 16 of the NPPF (Conserving and enhancing the historic environment) notes under Paragraph 189 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 of the NPPF states:

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to

viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 194 of the NPPF states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

- 6.27 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs mentioned above, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.28 The application site is located in the Lakeside/Sinclair/Blythe Road Conservation Area. Given that the proposal scheme does not include any external changes to the appearance of the host property, officers assess that the development would not cause any harm to the character, appearance or significance of the Conservation Area. As such, the character and appearance of the Conservation Area would be preserved overall. Officers have assessed the impact of the proposal on the heritage assets and consider that the proposal would accord with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies DC1, DC8.

RESIDENTIAL AMENITY

- 6.29 Local Plan Policy HO11 addresses detailed residential standards and, in seeking high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'.
- 6.30 In this case there would be no external alterations that would be visible. As such the proposal would not result in loss of daylight, sunlight, privacy and outlook to neighbouring residential properties. The use of the hotel would remain the same, providing short term accommodation and as such any existing issues are unlikely to be exacerbated.
- 6.31 London Plan Policy D14 (Noise) outlines the management of noise is about encouraging the right acoustic environment, both internal and external, in the right place at the right time and seeks to reduce, manage and mitigate noise to improve the health and quality of life.

6.32 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

6.33 NPPF paragraph 174 (e) states that planning decisions should prevent new and existing development from contributing to unacceptable levels of noise pollution.

6.34 It is not considered the proposal would materially increase localised noise and disturbance to neighbouring residents in the change of use which would largely remain for short term accommodation.

6.35 A Good Neighbours Plan (management plan) specific to 101-105 Shepherd's Bush Road has been submitted with the application. This confirms that the site has and would continue to have a visible staff presence with a manned reception 24/7. Staff will have sole control over entry and exit to the facility. As outlined previously, the sole entrance is via 101-103 Shepherds Bush Road only. The management plan outlines tenants must sign up to house rules which the prevention of loud music and shouting, no begging or shoplifting in the local area and no drinking/drugs or violence will be accepted.

6.36 With specific regard to drug dealing, which has been raised by several in several objections received, the management plan outlines should evidence of drug dealing arise, the warning and eviction procedure will be implemented. Two daily patrols are also carried out by staff at 11am and 5pm each day which cover the following route:

- Out of the hub, turn left and walk to the junction of Brook Green
- Cross over the road to the Tesco superstore, look in the vicinity of here including the car park
- Walk back down Shepherds Bush Road to the Gails (corner of Shepherd's Bush road and Batoum Gardens)
- Walk back to the hub.

6.37 St Mungo's responded to objections raised and noted the following:

+ Antisocial behaviour

- The charity accepted and acknowledged that the residents in Meliora House may at times cause incidents in the local community and within the building due their vulnerabilities and need for support. However, they did challenge the perception that the majority of ASB is attributed to people in the building. St Mungo's is committed to being Good Neighbours and all residents who come into the building commit to this too. This involves not committing acts of anti-social behaviour in the community, causing incidents in the building and engaging with the wide range of support interventions that are available. If clients are unable to do this, their tenancy is ultimately at risk and they will be asked to leave.

- + Patrols and industrial action
- St Mungo's has recently come to the end of 12 weeks of Industrial Action. Meliora house operated safely throughout this, but some business-as-usual activities were paused at times. During this time if needed, staff were instructed to conduct shorter patrols ensuring the immediate vicinity of the service was checked. New or Temporary staff may also have not been aware that they needed to wear high visibility vests so would not have been known to members of the wider public. All patrols are now operating as usual with the regular staff team
- + Bike left overnight in residents garden
- This was investigated at the time - there was no evidence to demonstrate that it was a resident of Meliora House that left the bike in the neighbours garden. However, there was a phone call on the complaints phone from Meliora House at the time described. The call was not on St Mungo's call log and when staff were asked, they could not recall making any phone calls. The investigation into this complaint was inconclusive. There have been no further incidents or reports from this particular complainant that St Mungo's have been made aware of.

6.38 Officers would also note, if nearby residents wish to raise issues concerning the operation of the use with St Mungo's, a 24 hotline is available. The application submission also outlines the complaints procedure. This notes the service manager will respond and call the individual within 24 hours of the complaint or can meet residents face to face to discuss their concerns. If the complaint is not satisfied with the response this will be escalated as per policy, which is to the Senior Service Manager & Quality Team if required.

6.39 The management plan also outlines St Mungo's will be active members of all relevant local ward/resident meetings and managers will attend any local safer Neighbourhood Ward Panel meetings as well as monthly multi agency 'Street Population Action Partnership' meeting as required to discuss any emerging/ on-going issues in the locality. LBHF Community Safety will have management contact information for the services at the hostel. CCTV and other information will be shared as needed when issues are raised. Officers note, extensive CCTV was observed during officers site visit to the facility. Additionally, a live tv feed of CCTV is placed centrally in a 24/7 manned office.

6.40 On balance, the council is of the view the interventions proposed to safeguard neighbouring residential amenity, are proportionate to the temporary permission proposed and represent best practises to ensure the hostel operates in a satisfactory manner. This in turn should safeguard residential amenity of nearby residents. The Metropolitan Police have not objected to this planning application. Officers recommend a condition is imposed which will require the hostel to continue to operate in full accordance with the Good Neighbours Plan (management plan). On balance and subject to compliance with the above condition, the proposal is judged to comply with Local Plan Policies CC11, CC13, DC1 and HO11 of the Local Plan (2018) as well as London Plan (2021) Policy D14.

HIGHWAYS AND TRANSPORTATION

- 6.41 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
- 6.42 London Plan (2021) Policies T1, T3, T4 and T5 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards and cycle parking standards.
- 6.43 Local Plan Policy T2 seeks a transport assessment for all development to assess their contribution to traffic generation and impact on congestion particularly on bus routes and on the primary route network. T3 seeks to increase and promote opportunities for cycling and walking.

+ Travel Plan

- 6.44 An updated Travel Plan was provided during the application process. This application was referred to the council's Highways department. Officers raise no objection to the updated Travel Plan which outlines there will be approximately 20 staff working on a 24 hour rota. A maximum staff presence during the day is 14 and 3 during the night. The modal split of staff travelling to and from the site is 80% of staff using public transport and 20% regularly cycling/walking to work. As outlined under section 1.6 of this report, the site is well connected to public transport with a PTAL of 6a, representing excellent access to public transport using TfL methodologies.

+ Car Parking

- 6.45 The travel plan outlines no parking is associated to the site and any visitors (council staff, social workers, medical professionals etc) are advised no car parking is provided.

+ Cycle Parking

- 6.46 London Plan T5 and Table 10.2 outline the minimum cycle parking standards. Class uses falling under Sui Generis will be assessed against the most relevant other standard class use which officers judge to be C2 (secure accommodation) which requires 1 space per 5 FTE staff and 1 space per 20 bedrooms, representing a minimum of 5 cycle spaces. A total of 9 Sheffield stands have been installed in the front forecourt of the site which exceeds requirements for a total of 14 staff (at any one given time) and 40 bedrooms. Given the nature of residents who live on site, the cycle parking is likely used predominately by hostel staff and any visitors to the centre such as health care professionals, housing staff from the council etc. The property is also less than 0.1 miles from a Santander bike sharing location (behind Little Brook Green). On balance, cycle parking is judged to be acceptable and existing Sheffield stands were observed as well utilised during

officers site visit.

6.47 A condition is recommended that this cycle parking is retained for the lifetime of the development.

+ Refuse storage / Delivery and servicing

6.48 Local Plan Policy CC7 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

6.49 The delivery and servicing associated with the development would continue to be provided in the same way as they are for the existing hotel use and these arrangements are considered satisfactory .

ENVIRONMENTAL MATTERS

+ Flood risk

6.50 The NPPF (2023) states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.

6.51 London Plan (2021) Policy SI 12 outlines development proposals should ensure that flood risk is minimised and mitigated. Local Plan Policy CC3 requires that development should reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4.

6.52 This application was referred to the councils Environmental Policy team as it is located within the Environmental Agency Flood Risk Zone 2/3. The flood risk assessment (FRA) provided was reviewed and they raised no objection. Local Plan Policy CC3 requires that all developments must include water efficient fittings and appliances, where new facilities are provided. This will be communicated by way of an informative. A condition will secure compliance with the FRA provided (Appendix 1 of the Cover Letter by Peacock + Smith Ref: 02/5371/RM/EK(23August23)LBHF).

+ Air Quality

6.53 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

6.54 Given the scale of this development which is only temporary its unlikely air quality improvements could be secured that would not be overly onerous. The heating of the hostel would remain as per existing arrangements. As such, on balance is judged to be acceptable.

+ Land Contamination

6.55 The council's Land Contamination team raised no objections to the scheme and recommended an informative.

7.0 CONCLUSION

7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. In summary, the proposed development would contribute towards the quantity of the borough's temporary housing stock to house the most at risk residents. The proposed change of use is temporary only and will cease at the end of March 2024. The use is in line with the council's aim to end homelessness and is supported by the figures of rough sleepers outlined in sections 6.6-6.7 of this report.

7.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions for this short extension of time for this hostel use.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to conditions.