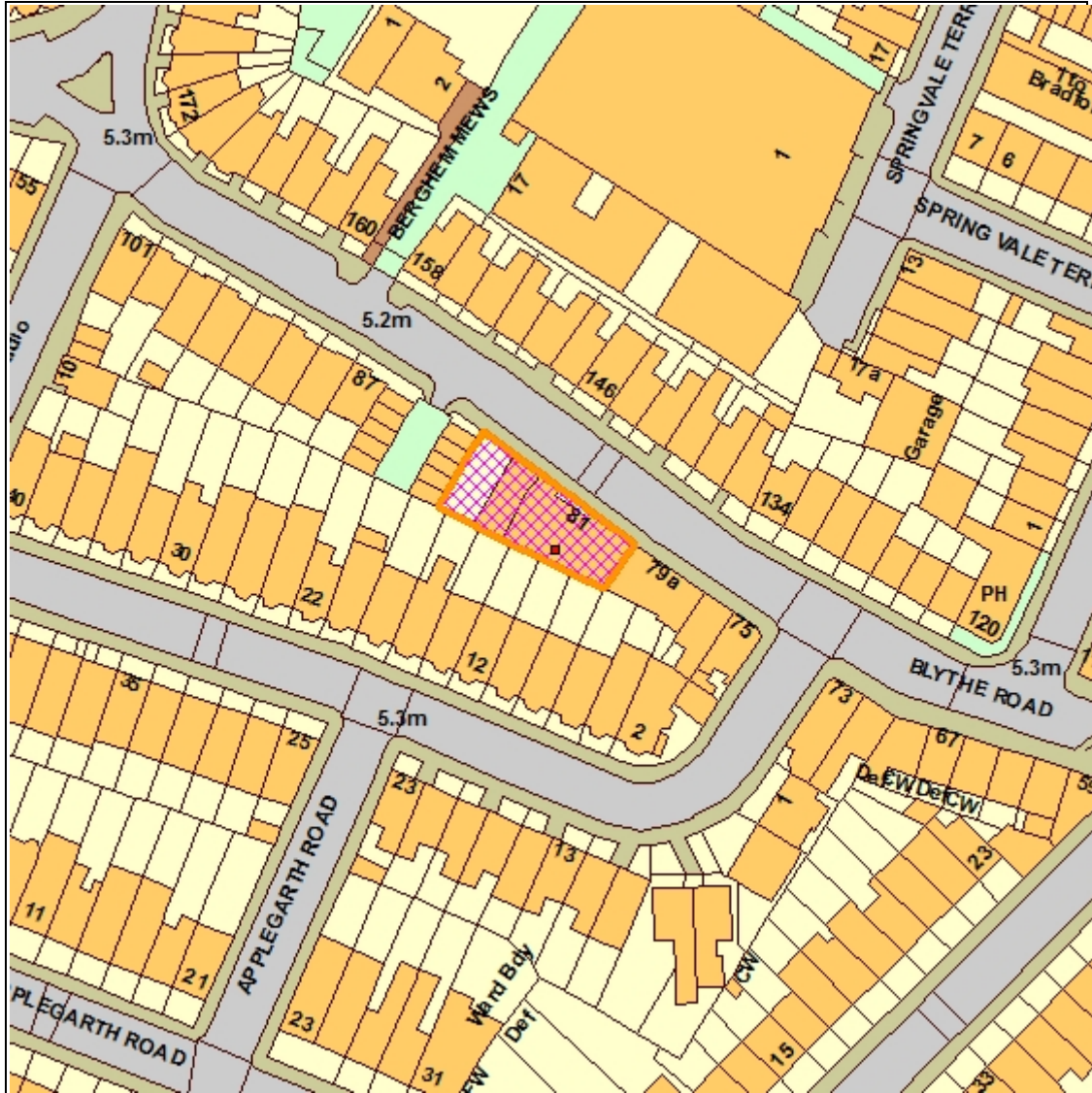


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**Ward:** Brook Green

**Site Address:**

81 Blythe Road London W14 0HP



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

**Reg. No:**

2022/02439/FUL

**Case Officer:**

Zhirong Li

**Date Valid:**

30.09.2022

**Conservation Area:**

Constraint Name: Lakeside/Sinclair/Blythe Road

Conservation Area - Number 36

**Committee Date:**

07.11.2023

**Applicant:**

Rathplace Developments Ltd

**Description:**

Redevelopment of the site, comprising demolition of the existing building and, provision of 8no. residential apartments (Class C3) across four floors including at lower ground level together with associated cycle parking, refuse stores, and associated amenity space at lower ground and roof top level.

Drg Nos: Refer to condition 2

**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 upon the completion of a satisfactory legal agreement and 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 Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

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

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

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

Floor Plans:

3542\_PL(90)001\_E (Proposed site plan)  
3542\_PL(20)100\_E (Proposed lower ground floor plan)  
3542\_PL(20)101\_E (Proposed upper ground floor plan)  
3542\_PL(20)102\_E (Proposed first floor plan)  
3542\_PL(20)103\_E (Proposed second floor plan)  
3542\_PL(20)104\_E (Proposed roof floor plan)

Proposed Elevations:

3542\_PL(20)201\_E (North elevation)  
3542\_PL(20)202\_E (Rear elevation)  
3542\_PL(20)204\_B (West Elevation)  
3542\_PL(20)205\_B (East Elevation)  
3542\_PL(20)206\_B (Proposed rear courtyards - east elevations)  
3542\_PL(20)207\_B (Proposed rear courtyards - west elevations)  
3542\_PL(20)208\_B (Proposed rear courtyards - rear elevations)

3542\_PL(20)401\_E (Detailed street elevation)  
3542\_PL(20)402\_E (Detailed garden elevation)  
3542\_PL(20)403\_E (Detailed closet wing elevation)  
3542\_PL(20)501\_C (Bay Study - front elevation)  
3542\_PL(20)502\_C (Bay Study - rear elevation)

Proposed Sections:

3542\_PL(20)302\_E (Section A)  
3542\_PL(20)304\_E (Section B)

Supporting Documents:

Arboricultural Implications Report (SJA Trees Arboricultural Planning Consultants, August 2022)  
Energy Strategy Report Rev 2 (Jaw Sustainability, dated 19th August 2022)  
Noise Assessment (Ardent Consulting Engineers, dated August 2022)(Ref. 2104910-03A)  
Transport Statement (Ardent Consulting Engineers, dated August 2022)(Ref. 2104910-04D)  
Outline Construction Logistic Plan (Ardent Consulting Engineers, dated April 2022)(Ref. 2104910-05D)

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

- 3) Prior to commencement of the development hereby permitted, details (including manufacturer's specifications, photographs and/or brochures) of the external surfaces (including fenestration) and, where applicable, all areas of hard surfacing shall be submitted to, and approved in writing by the Council.

The development shall be carried out and completed in accordance with the approved details. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory appearance in line with Policies DC1, DC4 and DC8 of the Local Plan (2018).

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

Condition requested by Thames Water. The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 5) No works (excluding Enabling Works) on development hereby permitted shall commence until a signed building contract for the redevelopment of the site in accordance with this consent has been submitted to and approved in writing by the Council.

To ensure that demolition works do not take place prematurely and to preserve the character and appearance of the Conservation Area in accordance with Policy DC8 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby approved, a demolition management plan and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays with no works permitted on Sundays and Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policy D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 7) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details including palette and a sample panel of all materials to be used on the external faces of the building and boundary treatments, shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 8) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details in plan, section and elevation (at a scale of not less than 1:20) of the following matters shall be submitted to and approved in writing by the Council. 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 of the Blythe Road elevation; and
- b) boundary treatment

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 9) The development hereby approved shall be carried out in accordance with the approved Arboricultural Impacts Assessment and Arboricultural Method Statement (by SJA Trees Arboricultural Planning Consultants dated August 2022) and in particular the Tree Protection Plan set out in Appendix 2 of the document. The tree protection measures shall be carried out in full for the duration of the construction works.

To ensure that trees within and around the site to be retained are protected during the building works, in accordance with Policies G5 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 10) Prior to commencement of the development hereby permitted, a scheme for temporary fencing and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the building works in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D1 and D8 of the London Plan 2021, Policies DC1, DC2, DC8 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

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

The use of the property as a residential units in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8,HO11, CC11, CC13 and T1 of the Local Plan (2018).

- 12) No plant, water tanks, water tank enclosures, external rainwater goods, air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, and DC4 of the Local Plan (2018).

- 13) 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 external part of the approved building, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the character and appearance of the building and its setting, in accordance with Policy D3 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 14) The extent of the roof terraces shall not exceed that indicated on the approved drawings, and the roof terraces shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. Other than the terraces indicated on the plan, no part of any roof of the remaining building hereby approved 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 roof. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

The use of the roof(s) as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, and noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018), and Key Principle 8 of the Planning Guidance SPD (2018).

- 15) The roof terraces hereby approved shall not be first used until the privacy screening has been installed as shown on drawing no. 3542\_PL(20)202\_E and 3542\_PL(20)201\_E . The privacy screen to the rear (southern) elevation shall achieve a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall have a height of 1.7m above the finished floor level of the terraces. The privacy screen to the front (northern) elevation shall achieve a minimum level

of obscurity equivalent to Pilkington Texture Glass Level 3 and shall have a height of 1.1m above the finished floor of the terraces. The privacy screen shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 16) No works above ground level shall commence until a statement of how Secured by Design requirements are to be adequately achieved has been submitted to and approved in writing by the council. The development shall be carried out and completed in full accordance with the approved details and permanently retained as such.

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

- 17) Prior to occupation of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority.

1. Times, frequency and management of deliveries and collections including collection of waste and recyclables
2. Emergency access, and vehicle movement at the site entrance and throughout the development
3. Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018,

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

To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies T2 and T7 of the London Plan (2021) and Policies T2, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

- 18) Prior to commencement of the relevant parts of the development hereby permitted, details of safe, secure and accessible bicycle storage shall be submitted to, and approved in writing by the Council. The cycle parking facilities should be in accordance with London Cycling Design Standards (LCDS). The bicycle storage facilities shall be implemented as approved prior to the occupation of the residential and non-residential uses, and shall thereafter be permanently retained for such use.

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

- 19) Prior to the occupation of the development hereby permitted, all the windows located to the rear (southern) elevation (as shown on drawing nos. 3542\_PL(20)202\_E and 3542\_PL(20)208\_B) shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

- 20) The development shall be carried out in accordance with the measures set out in the approved Energy Strategy Report (by Jaw Sustainability dated 19th August 2022).

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI2, SI3 and SI4 of the London Plan 2021 and Policies CC1, CC2 and CC7 of the Local Plan 2018.

- 21) Prior to commencement of the development (excluding demolition) hereby permitted, a revised Flood Risk and Sustainable Drainage Strategy (SuDS) shall be submitted to and approved in writing by the Local Planning Authority.

Information shall include details of the proposed sustainable drainage measures, and the relevant maintenance information and supporting information, including plans to confirm the inclusion of sustainable drainage measures such as permeable paving and green roofs to achieve a peak discharge rate of no more than 2 l/s. The Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that sufficient drainage capacity is made available to cope with the new development, and to avoid adverse environmental impact upon the community and to prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policies SI 12 and SI 13 of the London Plan (2021) and Policy CC3 and CC4 of the Local Plan (2018).

- 22) Prior to the occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels to be installed on the new dwellings as shown on drawing no. 3542\_PL(20)104\_E, shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter permanently maintained.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).



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

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

- 24) Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the demolition 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 'A' and shall include the following details:

1. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
2. Construction Site and Equipment Layout Plan
3. Inventory and Timetable of dust generating activities during Demolition site activities.
4. 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
5. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
6. 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  $\mu\text{g}/\text{m}^3$ , 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>
7. 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 demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.

8. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI

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

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 25) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) 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 NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall 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  $\mu\text{g}/\text{m}^3$ , 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.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 26) 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 forty two self-contained residential units (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO<sub>2</sub>), and Particulate (PM10, PM2.5) concentrations are equal to 30ug/m<sup>3</sup>, 20ug/m<sup>3</sup> and 10 ug/m<sup>3</sup> respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:
1. Details and locations of the ventilation intake locations
  2. 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
  3. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM2.5, PM10) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property.

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

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 27) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 8 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.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 28) No development shall commence until a preliminary risk assessment report 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. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 29) No development shall commence until a site investigation scheme 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. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

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

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

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

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

- 32) 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 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 waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the 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 statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 33) 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 where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 34) The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement ((BB7, dated 17 August 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).

- 35) The rear boundary wall of new building shared with Nos. 8 - 18 Sterndale Road shall not exceed a height of 4.75m at the closet wing section and 2m at the void in between each closet wings, measured from the existing ground level at Nos.8 - 18 Sterndale Road immediately adjoining the new building, as indicated on approved drawings.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy, and to ensure the proposal would not result in an unacceptable sense of enclosure to the adjoining residential properties, in accordance with Policy HO11 of the Local Plan (2018).

- 36) 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 proposed self-contained residential units 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.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 37) No part of the development hereby approved shall be occupied until the approved refuse storage enclosures, as indicated on the approved drawings, have been provided for the storage of refuse and recyclable materials. All the refuse/recycling facilities shall be retained thereafter in accordance with the approved details.

To ensure the satisfactory provision of refuse storage and recycling and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policies DC2, CC6 and CC7 of the Local Plan 2018 and SPD Key Principle WM1 2018.

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

- 1) 1. Land Use: The loss of employment use is considered to be acceptable in this instance, the proposal would provide eight residential units contribute to the overall housing need in the Borough at this predominately residential location. The proposed residential units would make efficient use of land by optimising residential use at this infill site. The proposal is therefore considered to be in accordance with Policy D3 and GG2 of the London Plan (2021), Policies E1, E2, HO1, HO4, and HO5 of the Local Plan (2018).
2. Housing: The proposed building would provide a mixed size of residential units, which all would have acceptable standard of living accommodation in accordance with London Plan (2021) Policy D6, the Mayor's Housing Design Standards LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and Key Principles of the Planning Guidance SPD (2018) which all require new housing to be of a high-quality design and be designed to have adequate internal and external space.
3. Design: The proposed development is acceptable in visual terms. The proposals are considered to be of a good quality of design having regard to the character and appearance of the existing site, area and surrounding Lakeside/Sinclair/Blythe Road Conservation Area. The proposal therefore accords with the NPPF (2023), London Plan (2021) Policies HC1 and D3, and Local Plan (2018) Policies DC1, DC2 and DC8.

4. Residential Amenity: The development would respect the principles of good neighbourliness. Subject to conditions the proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. In this regard, the proposal complies with DC1, DC2, HO11, CC11, CC12 and CC13, and Key Principles of the Planning Guidance SPD (2018).

5. Transport & Highways: The application is supported by several documents including: a Transport Statement, ATZ Assessment, Outline Demolition and Construction Logistics Plan, and Outline Delivery and Servicing Plan which provide a comprehensive review of all the potential transport impacts of the proposed development. It is, therefore, considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. There would be limited impacts on the local highway network or local car parking demands. Suitable bicycle parking and refuse storage would also be provided on site. The proposed development therefore accords with the NPPF (2023), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant Key Principles of the Planning Guidance SPD (2018).

6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, energy, sustainability and air quality are considered to be acceptable, in accordance with London Plan (2021) Policies SI 12 and SI 13 Local Plan (2018) Policies CC1, CC2, CC3, CC4, CC9 and CC10, and relevant Key Principles of the Planning Guidance SPD (2018).

7. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes, car permit free restrictions; s278 highways works; and the submission of Air Quality Dust Management Plan plus monitoring fees. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

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

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

Application form received: 25th August 2022

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  
Thames Water - Development Control  
Crime Prevention Design Advisor - Hammersmith

#### **Dated:**

18.10.22  
14.10.22  
07.09.23  
25.09.23

### **Neighbour Comments:**

#### **Letters from:**

#### **Dated:**

Ground Floor Flat 16 Sterndale Road London W14 0HS	28.10.22
10 Sterndale Road London W14 0HS	10.10.22
Tintagel House 92 Albert Embankment London SE1 7TY	17.10.22
23 Flanchford Road London W12 9ND	18.10.22
129 Shepherds Bush Road London W6 7LP	19.10.22
37 Sterndale Road London W14 0HT	26.10.22
37 Sterndale Road London W14 0HT	20.03.23
37 Sterndale Road London W14 0HT	13.09.23
8 STERNDAL ROAD LONDON W14 0HS	27.10.22
8 STERNDAL ROAD LONDON W14 0HS	27.10.22
8 STERNDAL ROAD LONDON W14 0HS	30.03.23
2 Sterndale Road London W14 0HS	13.10.22
150A Blythe Road London W14 0HD	30.10.22
150 Blythe Road 3 London W14 0HD	31.10.22
18 Sterndale Road London W14 0HS	17.10.22
18 Sterndale Road London W14 0HS	31.03.23
22 Sterndale Road London W14 0HS	14.10.22
140 Blythe Road London W14 0HD	17.11.22
14 Sterndale Road London W14 0HS	24.10.22
18 Sterndale Road London W14 0HS	19.10.22
18 Sterndale Road London W14 0HS	19.10.22
Flat D Second Floor 140 Blythe Road London W14 0HD	16.11.22
Flat A Ground Floor 6 Sterndale Road London W14 0HS	25.11.22
42 Gratton Road Flat 2 London W14 0JX	02.11.22
Sterndale Road London W14 0HT	18.10.22
18A Rockery Road London W14 0DA	02.11.22
150 Blythe Road First Floor London W14 0HD	31.10.22
42 Gratton Road London W14 0JX	02.11.22
8 Sterndale Road London W14 0HS	12.10.22
8 Sterndale Road London W14 0HS	27.10.22
8 Sterndale Road London W14 0HS	23.09.23
69 Blythe Road London W14 0HP	24.10.22
Dalton House Dalton Newcastle Upon Tyne NE18 0AA	25.10.22
Dalton House Dalton Newcastle Upon Tyne NE18 0AA	19.09.23
10 Sterndale Road London W14 0HS	13.10.22
10 Sterndale Road London W14 0HS	13.10.22
10 Sterndale Road London W14 0HS	13.10.22
22 Sterndale Road London W14 0HS	14.10.22
9 Sterndale Road London W14 0HT	27.10.22

9 Sterndale Road London W14 0HT	31.03.23
37 Sterndale Road London W14 0HT	20.03.23
19 Brechin Place London SW7 4QB	30.03.23
18 Sterndale Road London W14 0HS	31.03.23
10 Sterndale Rd London W14 0HS	31.03.23
16 Sterndale Road London W14 0HS	24.10.23
140B Blythe Raid Brook Green London W14 0HD	31.03.23
10 Sterndale Rd London W14 0HT	04.10.23
10 Sterndale Rd London W14 0HT	04.10.23
10 Sterndale Rd London W14 0HT	04.10.23
10 Sterndale Rd London W14 0HT	04.10.23
2 STERNDAL ROAD LONDON W14 0HS	01.10.23
10 Sterndale Road London W14 0HS	28.03.23
10 Sterndale Road London W14 0HS	28.03.23
Hammersmith Town Hall King Street Hammersmith W6 9JU	12.10.23
37 Sterndale Road LONDON W14 0HT	03.10.23
24 Sterndale Road London W14 0HS	24.10.23
20 Sterndale road London W14 0HS	25.10.23
8 Sterndale Road Addison Gardens LONDON W14 0HS	29.03.23
10 Sterndale Rd London W3 9AD	31.03.23
140 A Blythe Rd London W14 0NL	28.03.23
140 Blythe Road London W14 0HD	31.03.23
10 Sterndale Rd London W14 0HS	19.09.23
Top Floor Flat 19 Brechin Place London SW7 4QB	25.09.23
10 Sterndale Road London W14 0HS	31.03.23
10 Sterndale Road London W14 0HS	30.03.23
140C Blythe Road London W14 0HD	05.10.23

## 1.0 SITE DESCRIPTION

- 1.1 The application site comprises a two-storey 1980s office building, located on the southern side of Blythe Road. The building is currently vacant and has been since September 2020. The existing building provides under-croft parking for approximately 3-4 cars accessed from Blythe Road.
- 1.2 The site is surrounded by buildings of various styles, with a mix of residential and commercial properties. There are clusters of shops and commercial buildings to the east, a group of three storey modern stock brick houses to the west, and traditional three storey plus lower ground floor terraced housing opposite the site on the north side of Blythe Road. The rear elevation of the subject building abuts the rear gardens of Nos.8 to 18 Sterndale Road, which are also three storey plus basement terraced houses.
- 1.3 The site lies within Lakeside/Sinclair/ Blythe Road Conservation Area, however it is not subject to any other heritage designations.
- 1.4 The site is well-served by public transport. The site has a PTAL of 3 according to Transport for London's methodology, and is adjacent to areas with PTAL of 5, indicating the site has high levels of accessibility to public transport.
- 1.5 The site is located in Environment Agency's Flood Risk Zone 1 (low risk).

## 2.0 RELEVANT PLANNING HISTORIES

- 2.1 1998/02590/FUL - Erection of an extension at first floor level to provide additional class B1 office space (74 sq m.). Approved. 06.10.1999.
- 2.2 1989/01871/ADV - The display of a non-illuminated fascia sign. Drg Nos:- 89/0613-S10 89/0613/G00 and 213. Approved 27.11.1989.
- 2.3 2021/04049/FUL - Redevelopment of the site following the demolition of the existing office building (Class E) to provide a 4 storey residential building (Class C3), including a lower-ground level, comprising 4 x 2 bedroom apartments and 4 x 3 bedroom apartments, together with associated cycle parking, refuse stores, and associated amenity spaces. Withdrawn 11.08.2022. This was withdrawn prior to determination.

## 3.0 CURRENT PROPOSAL

- 3.1 The current proposal relates to the demolition of the existing building and the redevelopment of the site comprising:
  - Erection of a three-storey building plus basement, with roof terraces on the rooftop;
  - Provision of 8 self-contained flats comprising 2 x 1b2p, 3 x 2b4p, 2 x 3b5p and 1 x 3b4p flats.
- 3.2 The current application is an amended version of the previous application that was withdrawn. The main differences between the current application and the previous withdrawn application are:
  - Reduction to the overall height of the building, and reduction in height of the rear wings;
  - Introduction of 35-degrees pitched roofs to both the main part of the new building and the rear closet wings;
  - Design amendments to the street frontage at Blythe Road and the fenestration patterns to the rear elevation;
  - Change of proposed mix from 1 x 2b3p, 3 x 2b4p, 3 x 3b5p, 1 x 3b4p to 2 x 1b2p, 3 x 2b4p, 2 x 3b5p and 1 x 3b4p flats.

## 4.0 PUBLICITY AND CONSULTATION

### + Statutory Consultation

- 4.1 The planning application was publicised by way of site and press notice, as well as individual letters sent to 120 neighbouring properties.
- 4.2 To date, 3 rounds of consultations have been carried out (as a result of several changes to the originally proposed scheme). In response to the original consultation, 21 objections were received and 7 in support of the application.
- 4.3 Following receipt of revised plans, a re-consultation was carried out, 23 objections were received.

4.4 A final re-consultation was carried out following receipt of the current plans, and 20 objections were received.

4.5 The concerns raised by the objectors across all 3 consultation exercises raised similar issues and these can be summarised as follows:

Objection:

- The proposed building represents an overdevelopment of the site, the site is too narrow for development of this scale;
- The development has a very high density;
- The building is too close to the pavement on Blythe Road, resulting in lack of defensible space;
- The materials palette, form and design of the new building is out of character with the conservation area;
- Noise disturbance, overlooking and loss of privacy from the roof terraces;
- Overlooking from the new windows
- loss of daylight and overshadowing to the neighbouring properties;
- Viability of the street trees on Blythe Road;
- Concerns with the loss of the existing office
- Discrepancies on the plans and lack of accuracy with the supporting documents;
- The demolition of the existing building would cause damage to the gardens of the properties on Sterndale Road, and loss of outbuildings and trees in the gardens;
- The proposed flats are poorly designed;
- Noise issues associated with potential air conditioning units;
- Concerns to the refuse collection system, bin bags would be left out on the pavement;
- Concerns with potential subsidence;
- Increased pressure on the drainage and sewer system;
- Increased traffic and parking stress in locality;
- Lack of communication from the developer.

Support:

- The scheme would contribute towards the housing needs;
- The design is high quality, and the scale and massing are suitable for this area;
- The new building is in keeping with the immediate environment.

+ Technical Consultations

4.6 Thames Water: No objection, recommended a condition requiring a Piling Method Statement; and informatives relating to water pressure and Groundwater Risk Management Permit.

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

4.8 POLICY FRAMEWORK

4.9 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.

4.10 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).

4.11 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)

4.12 The NPPF (2023) 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.

4.13 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

4.14 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

4.15 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.

4.16 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.

## 5.0 PLANNING ASSESSMENT

5.1 The main planning considerations in this assessment include:

- Principle of Development / Land Use (Loss of the office use and the provision of residential units);
- Quality of the Residential Accommodation;
- Accessibility; Secure by Design; and Fire Safety
- Design and Visual Amenity;
- Arboriculture and Ecology;
- Residential Amenity;
- Transport and Highways;
- Environmental Considerations (flood risk, air quality, sustainability, contamination);
- Planning Obligations.

### PRINCIPLE OF DEVELOPMENT/LAND USE

#### Loss of Existing Office Space

5.2 Policies E1 and E2 of the London Plan (2021) seek to retain and enhance existing viable office floorspace for all sizes of business. Part C of Policy E2 states that where development proposals that involve the loss of existing business space should demonstrate there is no reasonable prospect of the site being used for business purposes or ensure that an equivalent amount business space is re-provided where possible.

5.3 Local Plan (2018) Policy E1 also seeks to ensure that accommodation is available for all sizes of business including small and medium sized enterprises by retaining premises capable of providing continued accommodation for local services or significant employment. Policy E2 acknowledges amongst other things that the loss of employment land may be acceptable where it can be satisfactorily demonstrated that the property is no longer required for employment purposes. Specifically, Policy E2 states:

1. continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be evidenced that the property is no longer required for employment purposes.

Where the loss of employment use is proposed, the Council will have regard to:

- the suitability of the site or premises for continued employment use with or without adaptation;
- evidence of unsuccessful marketing over a period of at least 12 months;
- the need to avoid adverse impact on established clusters of employment use; and
- the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses, including small and medium sized enterprises, in appropriate locations.'

5.4 The application site comprises a two-storey office building fronting Blythe Road and a yard adjacent which provides access to the under-croft parking. The building was last occupied by Wayte Travel. The site area extends to approximately 324sqm as noted on the application form, this includes

approximately 288.6sqm (NIA) for the building. The building is predominantly single aspect and north facing. The first floor has rooflights to the rear elevation and windows to the flank elevation.

- 5.5 The proposal is for the demolition of the existing office building and the erection of a three-storey plus basement residential building. As a result, there will be a loss of existing office space on site. In considering the loss of employment use, Local Plan (2018) Policy E2 is relevant.
- 5.6 Marketing information submitted by the applicant indicates that the premises has been marketed by two different agents at separate times since August 2020. Hanover Green was first instructed by Wayte Travel in August 2018 to assist in the leasing or disposal of the building. As the result of Covid 2019, the business no longer requires the premises. The summary report by Hanover Green notes that the majority of the property was unoccupied since 1st September 2019 when the marketing campaign began. The premises was marketed by means of internet listing, a sign board, unsolicited letters, and network referrals, however there were limited interest with only one enquiry was for an office use but did not go through with the leasing. The report concludes that the lack of interest largely due to the configuration of the space (that it is not open plan), its location outside a traditional office centre, combined with the fact that there are number of new high quality office developments in the area.
- 5.7 In March 2020, due to the change of the ownership, there was a break in the marketing activities for one month. Savills became the new agent, and the marketing activities resumed in April 2020 at a reduced rate. The marketing report by Savills states the property was advertised by ways of distribution of property particulars, a sign board, and advertisement on various webpages. Records have also been provided of the enquiries received from potential tenants, this including other estate agents, business owners, a local school, a dog grooming company, a local pub owner and local residents, there were also enquiries related to purchasing the site for redevelopment opportunities rather than continued employment use. However, none of the interested parties decided to take the property forward. This is largely due to the lack of facilities and outdoor space at this property; some only required part of the space; the building would require substantial refurbishment to be fit for purpose at a significant cost to the occupier; and other alternative options being available in the area.
- 5.8 The marketing report by Savills also highlights that there has been an increase of new office developments in the surrounding area, that provide more modern and flexible office spaces with facilities such as showers, changing rooms, locker facilities, additional bookable meeting rooms, and onsite café facilities. The report suggests many companies are seeking much higher quality flexible floorspace that is closer to major London train stations and or that would benefit directly from the Elizabeth Line in the future.
- 5.9 On balance, the reports by Hanover Green and Savills have demonstrated that the premises have been unsuccessfully market for at least 12 months. Both marketing reports noted that there are specific aspects of the premises that cause the property to be unattractive to potential tenants and therefore make the property difficult to let in the short to medium term without significant investment. Officers also recognise that Blythe Road is not a traditional office location and is removed

from nearby Hammersmith Town Centre which remains the borough's primary office hub. Blythe Road is primarily a residential location, and the loss of office space on this site would not significantly impact any of the established cluster of office uses in this area. Therefore, it is considered that the principle of the change of use can be justified by virtue of Local Plan Policy E2(3).

- 5.10 In view of the above, on balance, officers consider satisfactory evidence has been provided to justify the loss of the existing employment use. Together with the benefit of provision of residential accommodation, no objection is raised in terms of London Plan (2021) Policies E1 and E2 and Local Plan (2018) Policies E1 and E2.

#### + Housing Supply

- 5.11 Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. From that, this Borough has a target to deliver 1,609 net additional dwellings per annum. Policy H2 supports housing on small sites, The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1.
- 5.12 Policy H2 (Small sites) of the London Plan (2018) sets out that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.08 hectares in size and therefore represents a small site for the purpose of this policy.
- 5.13 Officers consider that the proposed 8 units scheme on this small site would contribute to a more efficient use of this land. The proposals would contribute to the overall housing need in the Borough in accordance with the above London Plan Policy H1 and Local Plan (2018) Policy HO1.

#### + Residential Mix

- 5.14 London Plan (2021) Policy H10 expects that schemes should generally consist of a range of unit sizes. The policy recognises that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.
- 5.15 Policy HO5 of the Local Plan (2018) also seeks to ensure that developments provide a mix of housing types and sizes, in particular, it seeks to increase the proportion of family accommodation (3 or more bedrooms).
- 5.16 The proposal would provide 8 self-contained flats comprising 2 x 1b2p, 3 x 2b4p, 2 x 3b5p and 1 x 3b4p flats. The proposed mix is considered appropriate for the site, including flats of various size, both smaller units and larger family size units.

#### + Affordable Housing

- 5.17 London Plan (2018) Policy H4 (Affordable Housing Thresholds) normally requires that affordable housing be provided on sites which include 10 or more homes and that negotiations should take account of development viability.



- 5.18 Local Plan (2018) Policy HO3 states that to maximise affordable housing supply, the Council will seek affordable housing contributions on schemes of 11 or more dwellings. In seeking, the maximum reasonable amount of affordable housing, the Council take into account: site size and site constraints; financial viability; individual circumstances and characteristics of the site.
- 5.19 Supporting paragraph 6.26 of Policy HO3 makes clear that on schemes of 10 or less dwellings which have a maximum combined gross floorspace of more than 1,000 square metres (GIA), the Council will also seek for affordable housing where there is considered to be capacity for more units. The proposed scheme is for 8 units, and the development has a total GIA of 905.37sqm, therefore less than 1,000sqm.
- 5.20 Officers consider that the site dimensions and surrounding context are the determining factors to establish the most suitable building scale and layout, internal arrangement, and density configuration for this development.
- 5.21 Due to the physical constraints of this site, it is considered that the scale and massing of the proposed buildings are at an acceptable maximum. The height and volume of the proposed building is limited by the need to maintain a suitable level of outlook, sense of openness, privacy, and daylight to nearby neighbours. The proposed building has been carefully designed so as to generally respect the envelope of the existing office building. It is noted that the massing of the proposed building has been reduced since the original pre-application discussions.
- 5.22 It is considered that the number of units on the site cannot be physically increased to 10. Whilst the floor area and layouts of all flats comply with the Nationally Described Space Standards and London Plan standards, whilst there are family sized units included, it is considered that none of the flats are so generous that they could accommodate additional units. Reducing the size of the proposed flats could result in unsatisfactory quality of accommodation. Officers are satisfied that the units have not been deliberately oversized to avoid the requirement for affordable housing, and the number of flats within the envelope of the building could not reasonably be increased.
- 5.23 In summary, it is considered that the submitted 8-unit scheme represents the most effective and efficient use of this site and maximises its development potential. The proposed scheme has been designed to take account of the site specific context in terms of appropriate scale and massing, the form and character of surrounding development and the historic grain and impact on neighbours, as well as complying with the Council's standards on the size of residential units which are addressed in the section below.
- 5.24 Officers consider that it would not be appropriate in this case to include further units within the proposed development to meet the affordable housing threshold. Notwithstanding the above, given that the development is close to the established thresholds (in terms of unit numbers and floorspace), Officers have negotiated with the applicants, and a contribution towards off site provision of affordable housing was secured in this instance (See section on S106 agreement). The proposed development is considered acceptable terms of London Plan (2021) Policy H4 and Local Plan (2018) Policy HO3.

## QUALITY OF ACCOMMODATION

### + Internal Space and Ceiling Height

- 5.25 London Plan (2018) Policy D6 outlines housing quality and standards including internal space standards. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. Together with the recently adopted Mayor's Housing Design Standards LPG, and the DCLG's Nationally Described Space Standards it provides detailed standards which set out the minimum level of quality and design that new homes should meet.
- 5.26 Local Plan Policies HO4 and HO11 requires all housing to provide a high-quality residential environment and be well designed internally and externally. Planning Guidance SPD Key Principles HS1 and HS2 are also relevant with regards to internal space and amenity space provision for new dwellings, and reflects the requirements set out in the abovementioned London and National standards.
- 5.27 To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan (2018) Policy D6 requires a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area of each dwelling. Where area that has ceiling height of less than 1.5 metres, they can only be counted up to 50 per cent of its floor area, and any area lower than 0.9m is not counted at all.
- 5.28 The proposed section plans indicate all the floor areas within the basement and ground level would have a floor to ceiling height of 2.5m, therefore the lower duplexes would achieve 100% floor to ceiling height of 2.5m. The first and second floors would have a pitched roof design towards the rear, a small section of the first floor at the closet wings would have a headroom of less than 1.5m high, this area has been allocated to be storage space; the first floor would have a minimum floor to ceiling height of 2.5m, therefore all the floorspace proposed can be accounted towards the total Gross Internal Area (GIA). Notwithstanding the minor reduction of floor to ceiling height in some areas, the upper-floor duplex would achieve a minimum finished floor to ceiling height of 2.5m for at least 75% of the GIA. On balance, the proposed development has been designed to accord with London Plan (2018) Policy D6 standard which indicates a good standard of accommodation would be provided.
- 5.29 The proposal would provide following units and floorspaces:
- Unit 01, 2B4P (LGF and UGF) - 112.59sqm
  - Unit 02, 3B5P (FF and SF) - 118.86sqm (102.82sqm excluding area with less 2.5m ceiling height)
  - Unit 03, 2B4P (LGF and UGF) - 110.99sqm
  - Unit 04, 3B5P (FF and SF) - 121.26sqm (103.39sqm excluding area with less 2.5m ceiling height)
  - Unit 05, 1B2P (LGF and UGF) - 75.48sqm
  - Unit 06, 3B4P (FF and SF) - 97.90sqm (81.67sqm excluding area with less 2.5m ceiling height)
  - Unit 07, 1B2P (LGF and UGF) - 83.69sqm

Unit 08, 2B4P (FF and SF) - 95.11sqm (78.82sqm excluding area with less 2.5m ceiling height)

5.30 All the proposed units would comply with the standards for their given size, therefore, it is considered that the units would provide a suitable internal living arrangement.

#### + External Amenity Space

5.31 London Plan (2018) Policy D6 states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m in new housing development. Key Principle HS1 of the Planning Guidance SPD (2018) requires all new dwellings to have access to an area of amenity space appropriate to the type of housing being provided. Supporting paragraph 3.2 further notes that access to high quality and adequate amounts of private open space significantly adds to the quality of life of all occupants.

5.32 All proposed the units would have access to their own external amenity areas. The lower duplexes would have access to patio spaces at the lower-ground floor, ranging in size from 8sqm to 12.5sqm and the upper duplexes would have access to roof terraces, ranging from 8sqm to 15.3sqm. In addition, Unit 03 would also have a winter garden. The proposed amenity space would exceed the standard as set out under Policy D6 of the London Plan (2018) and therefore is considered to be acceptable.

#### + Outlook, Daylight and Sunlight

5.33 All units would benefit from dual aspect, with predominantly floor to ceiling height windows. The windows to the front elevation would be north facing and the windows to the rear would be south facing. Whilst the rear elevation windows would include partially obscured glazing in the interest of the protection of the privacy of neighbouring occupiers. Overall, across all units it is considered that there would be sufficient light and outlook to all habitable rooms, which would afford reasonable living conditions to future occupiers.

5.34 A daylight and sunlight assessment has been submitted with the application, it includes an assessment of the daylight levels provided to the new residential units. This was carried out using the 2022 revision of the BRE guidelines published on 9th June 2022. The updated guidance consists of an assessment based on the Climate Based Daylight Modelling (CBDM) methodology. The new CBDM methodology is based on the British Standard 'Daylight in Buildings' (BS EN17037).

5.35 The daylight and sunlight assessment carried out by eb7 Ltd (dated 19th July 2023) shows that all the habitable rooms (26 rooms) within the development would meet the target daylight illuminance. In accordance with the BRE standard, a target of 100 Lux is used for bedrooms and a target of 150 Lux is used for Living / Kitchen / Dining Room. Paragraph C17 of the BRE standard (BR208 2022 Edition) states that where a room has a shared use, the highest target should apply, however, local authorities could use discretion here. In this instance, due to the

layout of the Living / Kitchen / Dining Rooms, the kitchens across all units are of reasonable sizes and they have not been treated as separate spaces, Officers are considered it is appropriate to use a target of 150 Lux for Living / Kitchen / Dining Rooms in this instance. The complete compliance with the target daylight illuminance indicates all rooms in the new units would receive good levels of daylight.

- 5.36 With regards to direct sunlight, BS EN 17037 recommends that a room in a dwelling should receive a minimum 1.5 hours of direct sunlight on a selected date between 1 February and 21 March with cloudless conditions. The report demonstrated that all the units within the proposal would enjoy at least 1.5 hours of direct sunlight on 21st March, this complies with standard. Overall, the level of daylight and sunlight provided to units within the proposed scheme would be very good. Therefore, it is considered that the proposal would provide a suitable standard of amenity for future occupiers.

#### + Noise and Disturbance

- 5.37 Local Plan (2018) Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings."
- 5.38 The proposal has been reviewed by the Council's specialist officers who raised no objections, subject to a condition to ensure the noise level between different rooms meet the noise standard specified in BS8233:2014,
- 5.39 On this basis, Officers are satisfied that the development would provide a suitable standard of accommodation in accordance with London Plan Policy D6, Local Plan Policies HO4 and HO11, the Mayor's Housing Design Standards LPG and the DCLG's Nationally Described Space Standards.

#### ACCESSIBILITY; SECURE BY DESIGN; AND FIRE SAEFTY

##### + Accessibility

- 5.40 London Plan (2021) Policy D7 and Local Plan (2018) Policy HO6 seek to ensure high quality accessible homes. Local Plan (2018) Policy HO6 states that 90% of new housing should meet Building Regulations Approved Document M (Access to and use of buildings), specifically the optional requirement M4(2) - 'Accessible and adaptable dwellings'. The remaining 10% must be built to the Approved Document M's optional requirement M4(3) - 'Wheelchair user dwellings'.
- 5.41 In this instance, all the flats are duplexes with facilities spread across two levels and therefore can not meet the optional requirement M4(2) standards. Unit 01 could be adapted for a stairlift if required and would therefore be wheelchair adaptable in accordance with optional requirement M4(3) standard.
- 5.42 However, officers are mindful that supporting paragraph 3.7.7 under Policy D7 of the London Plan (2021) states that on developments of four storeys or less, these accessibility requirements may need to be applied flexibly. The need for flexibility

also relates to specific small-scale infill developments (in line with Policy H2 of the London Plan (2021)), such as this one, where the site is approximately 0.08 hectares in size and the overall dimensions of the site inhibit the overall scale and massing of a building and as such the number of the units which can reasonably be accommodated. Other factors that would have bearing on the flexibility in achieving M4(3) standard is stacked maisonettes where the potential for decked access to lifts is restricted, which is the case in this instance.

- 5.43 Furthermore, the height and massing of the proposed building is significantly impacted by the need to protect the existing residential amenities of adjoining properties, and to avoid a harmful visual impact to the townscape and conservation area. This must also be balanced against the need to maximise the development potential and number of units that can be accommodated on the site. To fit 8 units on site without significant increases in the height of the proposed building, the proposed units have been arranged in duplexes, including a basement level. This allows the proposed building to provide a mix of smaller and larger family sized units to assist in meeting established housing needs in the borough whilst ensuring that all units benefit from satisfactory daylight/sunlight, outlook, and general levels of amenity.
- 5.44 Whilst the ground floor level of the proposed building provides level access from the pavement, only sleeping accommodation for the four lower duplexes are located at this level. This is due to the constraints of the depth and width of the site, which means that the proposal cannot physically accommodate kitchen and living space as well on this level.
- 5.45 Therefore, the lack of compliance with the optional requirement M4(2) standard is not considered to be sufficient justification on its own to warrant a refusal of planning permission in this instance. The minimum Building Regulations M4(1) standard would be required through the Building Regulations process.

#### + Secured by Design

- 5.46 London Plan (2021) Policy D11, Local Plan (2018) Policy DC1 and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The details of how the proposal will incorporate measures for crime prevention will be secured by condition.

#### + Fire Safety

- 5.47 The London Plan Policy D12A (Fire Safety) requires that all development proposals must achieve the highest standards of fire safety including suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- 5.48 The applicant has submitted a Fire Safety Strategy prepared by BB7. The document has been reviewed by the Council's Building Control team and they consider that the proposed fire strategy is suitable for the planning stage and no objection is raised in this case.

## DESIGN AND HERITAGE

- 5.49 The National Planning Policy Framework (NPPF 2023) recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.50 London Plan (2021) Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; 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".
- 5.51 Local Plan (2018) Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 5.52 Policy DC2 states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:
- a. the historical context and townscape setting of the site, and its sense of place;
  - b. the scale, mass, form and grain of surrounding development and connections to it;
  - c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
  - d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
  - e. good neighbourliness and the principles of residential amenity;
  - f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
  - g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
  - h. the principles of accessible and inclusive design; and
  - i. principles of Secured by Design.
- 5.53 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.
- 5.54 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.

- 5.55 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).
- 5.56 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.
- 5.57 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.
- 5.58 Policy DC8 of the Local Plan (2018) states that the council will conserve the significance of the borough's historic by protecting, restoring, and enhancing its heritage assets, including conservation areas. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

+ Demolition of the existing building

- 5.59 The current application proposes the complete demolition of the existing Class E office building, and to replace this with a new three storey plus lower-ground level residential use building. The existing building is a more recent development within the conservation area, designed in a post-modern architectural style. As such, the development makes little no contribution to the character, appearance, and significance of the Lakeside/Sinclair/ Blythe Road Conservation Area. The proposed demolition of the existing building is therefore considered acceptable in this instance.
- 5.60 This is subject to there being a building contract condition attached to any planning permission for redevelopment of the site to ensure that demolition does not occur prematurely and is linked to delivery of a new development. This condition would hopefully reduce the likelihood of the application site being vacant for an extended period, which could cause harm to the character and appearance of the streetscape and conservation area.

+ Scale, massing and appearance of the proposed building

- 5.61 The proposed new building would be a flat roofed, three-storey building plus a basement level. There would be four projecting offshoots to the rear of the building which terminate a full storey below the main building, these elements would feature a pitched roof to minimise their visual appearance. The design of the rear

offshoots reflects the character of the Victorian terraced houses to the rear on Sterndale Road and ensure a subservient relationship with the surrounding properties. To the front elevation, the three-storey appearance on the Blythe Road frontage is compatible with the predominant scale of other existing buildings within the immediate surroundings.

- 5.62 The building would have a contemporary appearance and would be constructed of light buff brickwork with exception of the ground floor on the Blythe Road elevation. The ground floor street elevation would be finished in light white/grey colour to provide a contrast with the upper-floors brickwork; this approach would assist in visually breaking-up the massing of the building. There would be a precast lintel detail extend across the full length of the property at the ground level frontage, with precast concrete piers framing the entrances for each flat and the bicycle/bin stores. This provides a strong base to the building and introduce a clear hierarchy to the elevation. The precast lintel detail is also featured above each window both to the front and rear elevations. The windows at the upper floors would be finished in similar themed colour to match the brick works, the windows and doors at the ground floor would finish in a green colour to provide visual interest at the street level.
- 5.63 The proposed roof terraces would set back from the front elevation of the building, they would have a 1.1m high obscure glazed screens to front elevation and 1.7m high obscure glazed screens to the rear elevation. The lightweight appearance of the glazing screens together with their high-level position and setback from the front elevation would limit the visual appearance of this element of the proposal.
- 5.64 Again at roof level, the proposed solar panels would sit on top of the main part of the building, behind the parapet in four rows adjacent to each of the roof terrace (15 in total). The submitted drawings demonstrate that these would not protrude above the roofline. Overall, the panels would be installed within the envelope of the building in an unobtrusive manner which would minimise their visual impact. Details of the solar panels would be secured by condition.
- 5.65 The proposal scheme is considered to represent a good quality of design, in keeping with the visual appearance of the locality, notably, the use of the different material and colour pallet add visual and architectural interest to the area. The proposal is also considered to optimise the development potential of the site, providing a high-density housing scheme.

#### +Heritage Impacts

- 5.66 The proposal site is situated in the Lakeside/Sinclair/Blythe Road Conservation Area. The buildings currently occupying the site have no designations as heritage assets, and given the scale of the proposed development, it is not considered that the proposals would result in impacts to the setting of any other heritage assets.
- 5.67 The historic significance of the Lakeside/Sinclair/Blythe Road Conservation Area mainly relates to the Victorian evolution and development of the local area. The western section of Blythe Road includes a series of modern developments which make a limited/neutral contribution to the significance of the conservation area overall. As such, it is considered that the proposal would replace a contemporary building of limited/neutral contribution to the significance of the conservation area,



with a replacement building of a higher quality of design and detailing. As such, it is not considered that the proposal scheme would result in any harm to the character or significance of the Lakeside/Sinclair/ Blythe Road Conservation Area.

5.68 Officers consider that the proposal scheme represents a good quality of design, which optimises the use of this site. The proposals are not considered to result in any harm to the character, significance or setting of any heritage assets, namely the Lakeside/Sinclair/Blythe Road Conservation Area. As such, the development would therefore be acceptable with due regard for section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered to be in accordance with the NPPF (2021), London Plan (2021) Policies HC1 and D3, Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).

## ARBORICULTURE AND ECOLOGY

### + Trees

5.69 Local Plan (2018) Policy OS5 seeks to enhance biodiversity and green infrastructure. Planning Guidance SPD (2018) Key principle CAG6 reinstates the importance of trees within the conservation areas and their contribution to the character, appearance, and the local distinctiveness of the area.

5.70 There are a group of approx. 6 no. trees to the rear of the site within the private gardens of the adjoining properties on Sterndale Road and a row of street trees to the front of the site on Blythe Road. It is proposed to retain all the trees. An Arboricultural Implications Report has been submitted, including an outlined Arboricultural Method Statement. The report concluded that the impact of the proposed development on these trees will be negligible. The submitted information has been reviewed by the Council's Arboricultural Officer and considered to be acceptable, subject to the works are carried out in accordance with the submitted report.

### + Ecology

5.71 The application site currently comprises mostly hard surfacing with limited ecological value. The proposal would demolish the existing office building. The Council's Ecology team has raised no objection to the proposal.

5.72 The proposed development will deliver an improvement in the overall greening of the site through the introduction of the amenity courtyards and the green roofs.

## RESIDENTIAL AMENITY

5.73 Local Plan (2018) Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:

- Privacy enjoyed by neighbours;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties.

5.74 Local Plan (2018) Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD (2018) Key Principles HS6, HS7 and HS8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

5.75 The nearest adjacent properties are Nos.6-16 Sterndale Road to the rear (adjoining the application site to the south) and Nos.138-150 Blythe Road (opposite the application site to the north).

#### + Outlook

5.76 Nos.8-18 Sterndale Road adjoin the application site to the rear at a distance of between 7m to 10m approx and are subject to a close back-to-back relationship. Currently the rear wall of the office building forms the party wall with the neighbours gardens (4.75m high approx.). The proposal would demolish the existing office building and in turn the boundary wall. In its place, the new boundary wall would be formed by the rear elevations of the closet wings to the new building, approx.4.75m (similar height as the existing rear elevation of the office building) in height, and in between the voids of each closet wings, the boundary wall would be rebuilt at a height of 2m.

5.77 Key principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Depending on the depth of the rear gardens of the properties adjoin the rear of the application site and the scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. On-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.

5.78 In this instance, Nos.8-18 Sterndale Road that adjoin the rear of the application site have rear gardens of various depths. Some properties such as Nos.8 and 18 that have larger existing single storey rear extensions, and as such their gardens have a shorter depth of circa 7m, other properties in general have a depth of around 10m. Nevertheless, regardless of the depth of the rear gardens of Nos.8-18, given the new building would adjoin the rear curtilage of Nos.8-18, it would infringe an angle of 45-degrees from a point at ground level or at 2m from the rear curtilage. However, this needs to be viewed in the context of the siting and scale of the existing building which, due to its proximity to the rear boundary, already infringes this guidance. The proposed rear closet wings of the new building would follow the height and roof profile of the existing office building, and together with the inclusion of voids in between where the party boundary would be reduced to 2m, the proposal would not harm the sense of openness to the adjoining rear gardens. Whilst the third floor of the new building would be higher than the existing office building, it would be raked away from the Sterndale Road properties, and incorporates a sloped roof (of some 35 degrees) to match the roof of the closet wings. The increase in height would be relatively modest at 0.9m at the eaves rising to 2.8m at the roof level. Furthermore, the building at this level would set back from the rear boundary by a further 2.9m, with an overall separation distance of 9.9m to 12.9m from the rear elevations of Nos.8-18 Sterndale Road. On this basis, it is considered that the proposal would not result in a significant adverse impact upon the outlook or the sense of enclosure

experienced by the neighbouring properties.

- 5.79 In terms of Nos. 136-150 Blythe Road opposite, whilst Blythe Road is relatively narrow, the relationship between the new building and the opposing properties would not be an unusual one in this street. There are other examples of similar relationships further along this road with three-storey buildings to both the northern and southern side of the road. It is not considered that the proposal would result in an unneighbourly form of development such to significantly increase the sense of enclosure to these occupants.
- 5.80 Overall, the development would not result in an unacceptable loss of outlook or increased sense of enclosure to adjacent properties and it is considered that the development complies with Policies DC1, DC4 and HO11 of the Local Plan (2018).

#### + Daylight and Sunlight

- 5.81 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as an aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.
- 5.82 The BRE's guidance outlines detailed methods for calculating daylight to neighbours, this including, the Vertical Sky Component (VSC), the No-Sky Line (NSL) and Annual Probable Sunlight Hours (APSH).
- 5.83 The applicants have submitted a Daylight and Sunlight Report (by eb7) and this document is based on the latest changes to the BRE assessment methodologies made in June 2022. The Daylight and Sunlight Report considered the following properties:
- 138 - 150 Blythe Road (Odd)
  - 2 -18 Sterndale Road (Even)
- 5.84 Vertical Sky Component (VSC) - VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. For existing buildings, the BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.
- 5.85 No-Sky Line (NSL) - NSL is a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky, and therefore accounts for the size of and number of windows by simple geometry. The BRE guidelines suggest that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value.

5.86 Annual Probable Sunlight Hours (APSH) - In relation to sunlight, the BRE recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

## Daylight

5.87 In terms of daylight amenity, the majority of neighbours will not experience a noticeable change in the daylight amenity within their properties. The results of the VSC and NSL assessment for the Sterndale Road properties demonstrated full compliance with the BRE guidance, all the windows tested would meet or exceed the 80% recommendation for VSC and NSL, meaning all the windows would retain more than 0.8 times of the existing levels of daylight.

5.88 All the rooms within properties on Blythe Road would meet or exceed the 80% recommendation for VSC test, with exception of four basement level windows (all understood to be bedrooms) that would fall short of the 80% recommendation for NSL test. These four windows are:

- The basement window at No.142, it would retain 0.73% direct sky light of its area (marginal fail);
- The basement window at No.144 would experience 0.64% direct sky light of its area;
- The basement window at No.146 would experience 0.63% direct sky light of its area;
- The basement window at No.148 would experience 0.76% direct sky light of its area (a very marginal fail)

5.89 Overall, the reduction is considered to be relatively minor. The BRE guidelines suggest flexibility especially in an urban setting. All these rooms are located at basement level and beneath the pavement level which provides a further obstruction to daylight amenity in the existing conditions.

## Sunlight

5.90 For sunlight, in assessing sunlight effects to existing properties surrounding a new development, only those windows orientated within 90-degree due south require assessment. The only properties which are relevant for testing are these properties to the south of the application site on Blythe Road. The results of the analysis indicate all windows within Nos. 136-150 Blythe Road that face onto the application site will retain APSH levels well in excess of the annual target (25%), however there would be marginal reductions in retained winter sun by 1% below the recommended guidance target affecting the rooms at the basement level in Nos. 142, 146 and 148 Blythe Road. This reduction of 1% is considered to be minor and would not amount to a significant change in the levels of sunlight received.

5.91 Overall, it is considered that the development would not have an unacceptable impact on the daylight and sunlight to the neighbouring properties. Where minor reductions do occur, these are either marginal or the result of existing obstructions, and within the flexibility of the guidance. Officers consider that all of

the affected properties would retain sufficient access to daylight and sunlight complying with Policies DC1, DC4 and HO11 of the Local Plan (2018).

#### + Privacy

- 5.92 Key Principle HS7(iii) states that new windows should normally be positioned so that they are a minimum of 18m away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.
- 5.93 As noted in the above sections, Nos.8-18 Sterndale Road adjoin the application site to the rear at a distance of between approx.7m to 10m. There are no windows proposed to the rear of the closet wings. The proposed windows located in the main rear elevation would be fitted with 1.7m high obscure glazing from the finished floor level to prevent overlooking which would be secured by condition. There would also be a ventilation panels to the side, this would be largely solid and to allow air circulation for the future occupants. There is no objection raised to this aspect of the design.
- 5.94 To the north of the site, with regards to Nos.138-150 Blythe Road. All new windows would be clear glazed. The new windows to the front elevation of the building would be no closer than the existing front elevation windows to the existing office building, as such it is not considered the proposal would introduce significantly greater overlooking than the current situation. Additionally, in the existing street context along Blythe Road, the relationship between the terraces on either side of the street is largely the same. As such this proposal would replicate the existing character of the street.
- 5.95 Four small roof terraces are proposed for the upper floor maisonettes on top of the roof of the main part of the building. These have been set back from the front elevation. Due to the shape of the plot, the separation distance between the roof terraces and the nearest windows to the rear of Sterndale Road properties ranges from 14m to 17m, and mindful of this relationship with the neighbours obscurely glazed screens (1.7m in height) are proposed which would protect the privacy of neighbours. To the front elevation, the roof terrace would also be enclosed with obscurely glazed screens, albeit at a lowered height on 1.1 metres. Given that the terraces are set back from the parapet of the front elevation it is considered that a screen of 1.7m is not required.
- 5.96 Overall, it is considered that the proposal would not result in a significant loss of privacy or overlooking. In this regard the proposed development complies with Policies DC1, DC4 and HO11 of the Local Plan (2018) and Key Principle HS8.

#### + Noise and Disturbance

- 5.97 Key Principle HS8 adds that where roof terraces or balconies are likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance they will not be supported. Policy CC11 and HO11 of the Local Plan (2018) relate to noise and neighbouring amenity 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.

5.98 The roof terraces would have relatively footprints of 8.9sqm, 11.1sqm, 15.1sqm and 15.4sqm. It is not considered the size of the roof terraces would have the capacity to accommodate a significant number of people that would cause harmful levels of noise and disturbance. The proposal is therefore considered to be consistent with Policy HO11 and CC11 of the Local Plan and Key Principle HS8 of the Planning Guidance SPD.

5.99 On this basis, this element of the proposed development is therefore considered to comply with Policies DC4, HO11, and CC11 of the Local Plan (2018), and SPD Key Principle HS8.

#### + Solar Glare

5.100 The proposed solar PV panels proposed would be of a low profile set adjacent to the roof terraces, behind the parapets. They would have a subtle and unimposing appearance. The solar panels would absorb sunlight rather than reflect sunlight and they would not cause any undue impact in terms of solar glare. Further details of the panels would be secured by condition.

#### + Demolition and construction phases

5.101 In accordance with SPD Key Principle NN7 a Demolition Management Plan (DMP) and Construction Management Plan (CMP) will be secured by a condition to ensure the amenity of neighbouring properties would not be adversely affected during the demolition and building works.

### TRANSPORT AND HIGHWAY

5.102 Paragraph 110 of the NPPF states that applications for development should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 113 states all developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Policies 1-T7 of the London Plan (2021) set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.

5.103 Local Plan (2018) Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

5.104 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to

traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.

5.105 The above policies are supported by Key Principles TR1 -TR4, TR7, TR21 and TR27 of the Planning Guidance SPD (2018).

5.106 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

#### + Transport Assessment

5.107 The Transport Statement submitted with the application includes a Healthy Streets style review / assessment of the pedestrian and cycle environment between the application site and nearby amenities/facilities, including public transport facilities, and an Active Travel Zone (ATZ) assessment of the three routes, including destinations such as Hammersmith Road (A315), Kensington Olympia Station and Shepherd's Bush underground station. The findings of the assessment concluded the routes are in general of good quality, but also highlighted a number of issues along the routes which could be improved.

5.108 In response, the applicant has agreed to several S278 Highways Works obligations to address some of the issues identified in the ATZ route assessment. The Council's Highways Officers have also requested for the removal all redundant crossovers with Blythe Road, which will also be secured under the S278 works.

#### + Trip generation

5.109 The applicant has submitted trip generation information for both the existing office building on site and the proposed development. The assessment was derived from the TRICS database and calculated by applying adjusted 2011 census to calculate the modal split. The trip generation information indicates that the existing office use would generate a total of 70 total trips across the course of a typical day. These trips are comprised of 5 cycling trips, 8 pedestrian trips, 14 vehicle trips, 9 bus trips and 34 rail/underground trips. The proposed residential use would generate up to 41 total trips over the course of a typical day (07:00-19:00). The 41 total trips are comprised of 4 cycling trips, 6 pedestrian trips, 6 vehicle trips, 5 bus trips and 20 rail/underground trips.

5.110 It is estimated that the proposed development would result in a net reduction of 29 trips across the course of a typical day. The reduction of 29 trips across the course of the day comprise of a reduction of 1 cycling trip, a reduction of 2 pedestrian trips, reduction of 8 vehicle trips, a reduction of 4 bus trips and a reduction of 14 rail/underground trips.

5.111 The submitted trip generation information is considered to be acceptable. The Council's specialist Highway Officers raised no specific objection to the proposal.

#### + Deliveries and Servicing

- 5.112 The Transport Statement states that delivery and servicing activities are proposed to take place from the public highway. There would be a dedicated bin store on the ground floor. It is expected that the Refuse Collection Vehicle (RCV) will park adjacent to the bin collection store which will allow the bins to be collected and returned to the bin store once unloading is complete. Bins will not be left on street. A final DSP is to be secured by a condition.

#### + Car Parking

- 5.113 Local Plan Policy T4 and Key Principle TR3 of the Planning Guidance SPD sets out vehicle parking standards and states that the council will require car parking permit free measures on all new developments, particularly those in Public Transport Accessibility Level (PTAL) areas of 3 and above, unless evidence is provided to show that there is a significant lack of public transport available. London Plan Policy T6 specifies that car-free development should be the starting point for all development proposals in places that are well connected by public transport.
- 5.114 The site has a PTAL of 3 score of using Transport for London's methodology, and adjacent to areas with PTAL of 5 indicating that it has a good public transport accessibility. The proposed development would be car permit free. Future residents will be prevented from obtaining parking permits via a legal agreement under section 16 of the Greater London (General Powers) Act 1974.

#### + Cycle Parking

- 5.115 London Plan Policies T2 Healthy Streets and T5 Cycling (Table 10.2 and Figure 10.3) set out the need to provide suitable on-site cycle storage for a development. Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking and states that new development to include provision of accessible and safe secure parking within the boundary of the site.
- 5.116 A total of 16 cycle parking spaces are proposed at the at ground floor level in a dedicated cycle parking space. Full details of the proposed cycle parking will be secured by a condition.
- 5.117 The main impact of the development in highway terms would be during the construction stage. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle detailed Demolition and Construction Logistics Plans will be secured by a condition.

### ENVIRONMENTAL CONSIDERATIONS

#### + Flood Risk

- 5.118 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.



- 5.119 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 5.120 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 5.121 The site is within the Environment Agency's Flood Zone 1 indicating a low risk of flooding from the Thames. However, a basement/lower ground level is proposed, and surface water and sewer flood risk are known issues in the borough which could be at risk of sewer/groundwater flood risk. The area could also be at risk of surface water flooding in a major storm. The site will be changing use to a more sensitive residential use, which increases its vulnerability to flood risk. The Planning Guidance SPD (2018) Key Principle FR6 states developments that include a subterranean element must provide details of the structural waterproofing measures to be integrated to prevent any increase in on or off-site groundwater flood risk.
- 5.122 The application is supported by a FRA which includes information on structural waterproofing measures, to help manage groundwater. Additional flood resilience measures are also detailed, including sewer surcharge protection.
- 5.123 The FRA also includes proposals in relation to Sustainable Drainage Systems (SuDS). This includes green roofs, attenuation tanks and permeable paving. Where stormwater needs to be discharged to the sewer, this will be at a peak rate of 2 l/s. Whilst this is above the greenfield rate for this site, it is considered to be acceptable and achieves a reduction in run-off rate of 85% for the 1 in 100 year storm.
- 5.124 The Council's specialist officers (Environmental Policy) considered sufficient information have been provided at this stage. In principle the approach is acceptable. It is noted that the full details of the proposed strategy in relation to the SuDS element are still subject to further detailed design work. Therefore, a condition will secure the submission of a finalised FRA with full details of the proposed SuDS measures. Subject to this condition the proposal is considered to be acceptable on flood risk grounds.

#### + Sustainability and Energy

- 5.125 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, and biodiversity.

- 5.126 Policy CC1 of the Local Plan (2018) requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.
- 5.127 Whilst this application not a major scheme, an Energy Statement has been provided which includes details of other sustainability measures. The statement shows that the development will incorporate energy efficiency and renewable energy generation on-site in forms solar PV panels. These measures will provide a significant improvement in the CO2 emissions for the scheme, reducing CO2 by 54% compared to a Building Regulation compliant building. It is also proposed to install water efficient fixtures/fittings, utilise materials with low environmental impacts where possible, landscaping will be included to help improve biodiversity and measures will be implemented to minimise pollution impacts during construction. The measures covered in the report are welcomed in terms of the carbon reductions they provide and the improved sustainability performance of the new building. The implementation of the energy efficiency and low/zero emission measures outlined in the Energy Statement will be secured by a condition.

#### + Air Quality

- 5.128 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 5.129 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 5.130 The development site is within the borough wide Air Quality Management Area (AQMA). The site is in an area of existing poor air quality due to the road traffic emissions from Blythe Road. Blythe Road is an alternative vehicle route between Hammersmith Road (A315) and Shepherds Bush Road (A219), it is also one of the vehicle routes for serving and deliveries to Kensington Olympia Exhibition Centre. As a result, Blythe Road has a high levels of vehicle traffic flows and high concentrations of nitrogen Dioxide (NO2).
- 5.131 The development proposal will introduce new residential receptors into an area of very poor air quality. The construction and operation of the development also has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it.
- 5.132 An Air Quality Assessment has been submitted with the application to assesses the development's potential impacts on local air quality taking into account of the potential temporary impacts during the demolition and construction

phase and the operational impacts caused by increase in traffic flows and emissions from the plant on the site. The assessment has been reviewed by the Council's Air Quality Officer. Further details are required by conditions, including the submission of Air Quality Dust Management Plans (Demolition and Construction phases); a Ventilation Strategy and post installation compliance report; and details of the installation of Zero Emission MCS Certified Air/Water Source Heat Pumps and Electric Boilers. A payment of £5,000 per year of the demolition and construction phases of the development for the council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website will be secured. Subject to the conditions and obligations recommended above, no objection would be raised under London Plan Policy SI 1 and Local Plan Policies CC1 and CC10 on air quality grounds.

#### + Land Contamination

5.133 Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

5.134 Records indicate that this site was a former Swan Laundry. Accordingly, the Council's Land Contamination team recommended that standard conditions be attached requiring appropriate contamination studies and any subsequent remediation works to be carried out in order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works.

#### PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

##### + Mayoral and Local CIL

5.135 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £72,430 (plus indexation).

5.136 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. The applicants have agreed to a contribution of some £320,000 (including estimated Borough CIL of £190,000), which includes a contribution towards off site affordable housing provision.

+ S106 Heads of Terms

- 5.137 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 5.138 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that: "Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan."
- 5.139 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 5.140 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 5.141 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.
- 5.142 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) Affordable Housing - to provide a contribution towards provision of off-site affordable housing.
  - 2) Air Quality - £5,000 per annum for the demolition and construction phases of the development will be required for the Council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website.
  - 3) Demolition and Construction Logistics Plans - submission; and a contribution of £3,000 per year until completion of construction towards monitoring.

- 4) Car Permit Free - To prohibit any occupiers of the 8 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
- 5) Prior to the commencement of development, enter into a S278 Agreement to fund the following works:
- Removal of redundant dropped kerb and footway reinstatement works and associated amendments to parking on Blythe Road;
  - Reinstatement of site frontage footway and removal of redundant crossovers with Blythe Road;
  - Provision of tactile paving at the junction of Blythe Road/Augustine Road to provide assistance for people from all walks of life;
  - Provision of tactile paving at the junction of Blythe Road/Dewhurst Road to provide assistance for people from all walks of life;
  - Provision of tactile paving at between Olympia Way/Maclise Road to provide assistance for people from all walks of life;
  - Contribution towards trees/low level planting provided along three ATZ routes to help reduce the overall air pollution emitted by local traffic.

## 6.0 CONCLUSION

- 6.1 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.
- 6.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 6.3 In summary, the redevelopment of this land in this location is acceptable in land use terms. The proposed development would contribute towards the quantity of the borough's housing stock, and the proposal is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the setting of the Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply the relevant standards and provide a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination, and ecology have also been satisfactorily addressed and will be subject to conditions and a legal agreement. 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).
- 6.4 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 agreement.

6.5 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.

## 7.0 RECOMMENDATION

7.1 The application is therefore recommended for approval, subject to the two recommendations above.