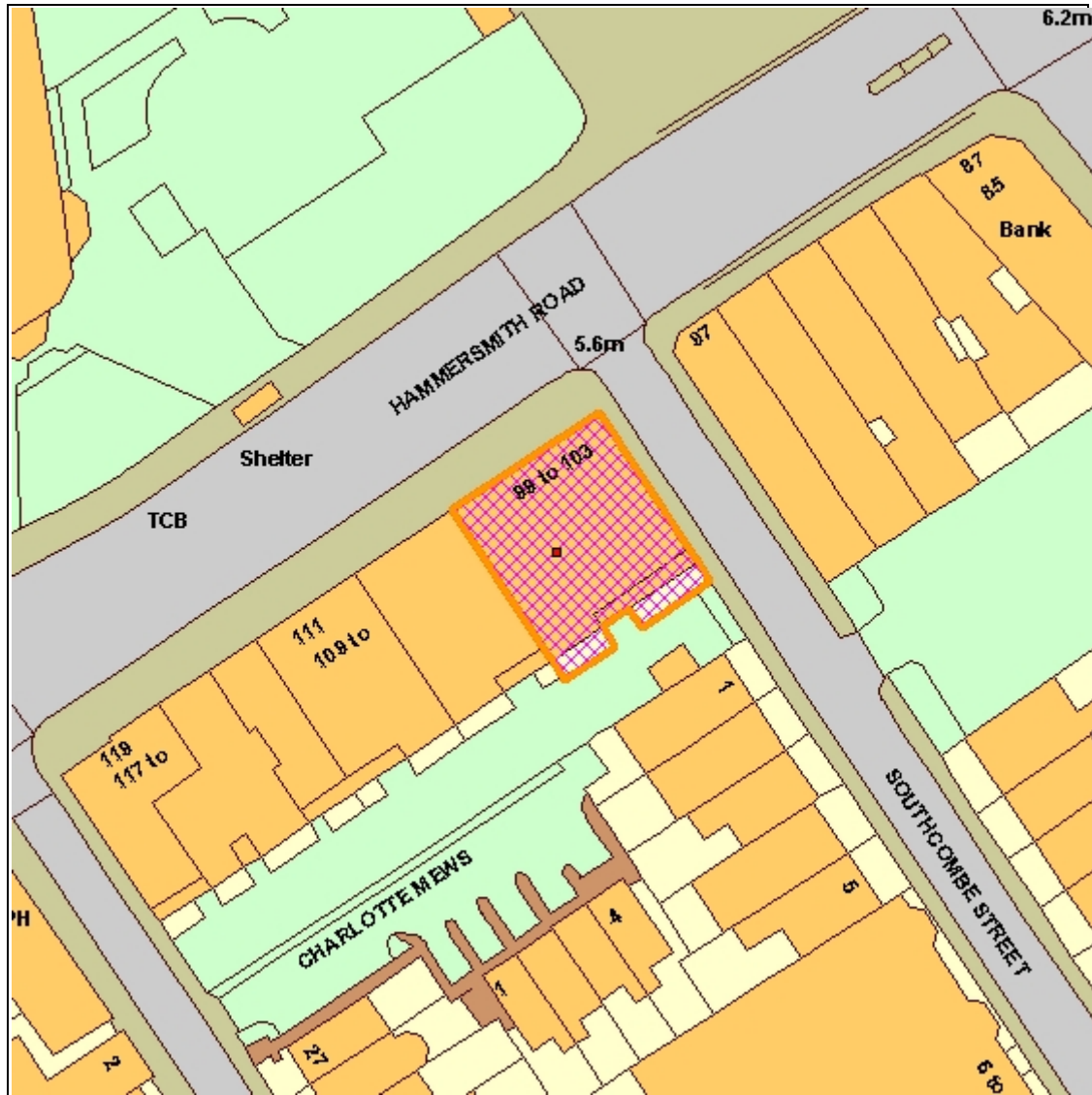


**Ward:** Avonmore

**Site Address:**

Roberts House 99 - 103 Hammersmith Road London W14 0QH



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

**Reg. No:**  
2023/01033/FUL

**Case Officer:**  
Richard Kealey

**Date Valid:**  
25.04.2023

**Conservation Area:**  
Constraint Name: Dorcas Estate Conservation  
Area - Number 18

**Committee Date:**  
04.06.2024

**Applicant:**

Picton UK REIT SPV No.2 Limited  
Stanford Building 27A Floral Street London WC2E 9EZ

**Description:**

Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard (Amended site address).

Drg Nos: See 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 planning 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 of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

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

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

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

PL.010, PL.011, PL.015, PL.016, PL.017, PL.018.

Approved documents:

Internal Daylight/Sunlight Report by Daylight Sunlight Consulting Ltd.

Environmental Noise Survey and Noise Impact Assessment Report ref:

30641/NIA1 dated 5th April 2023.  
Supporting Planning Statement April 2023.  
Marketing report by Frost Meadowcroft.  
Marketing history report by Eddisons April 2023.  
Transport Statement by Caneparo Associates June 2023.  
Follow up responses dated 27th June '23, 19th July '23 and 14th Sept '23 all prepared by H Planning LTD.  
Refuse and Recycling Service Plan by H Planning Ltd.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. 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 external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 4) Notwithstanding condition 3, prior to commencement of the relevant part of the works, details of the following external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council:

- 1) Full details of the Automatic Opening Vents, including manufacturers specifications, and report from a fire specialist;
- 2) Details of the secondary glazing, including 1:5 details, (including plan, elevation and section), a report and method statement for their installation and how existing historic fabric will be impacted;
- 3) Details, including material samples, for the proposed bin store

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 external appearance and to preserve the special architectural or historic interest of the building, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, facebond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

In order to safeguard the special architectural or historic interest of the building, in accordance with Policies DC1, DC4, DC6 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

- 6) 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 six self-contained residential dwelling houses (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 (PM<sub>10</sub>, PM<sub>2.5</sub>) 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:
- a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors
  - b. Details of restricted opening windows (maximum 200mm for emergency purge ventilation only) for habitable rooms (Bedrooms, Living Rooms, Study).
  - c. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017
  - d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

To safeguard local air quality in the councils boroughwide air quality management area, in accordance with the councils Air Quality Action Plan and Local Plan Policies CC10 and London Plan Policy SI 1.

- 7) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 6 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 a accredited Chartered Building Surveyor (MRICS).

Approved details shall be fully implemented prior to the occupation/use of the

development and thereafter permanently retained and maintained.

In order to safeguard local air quality and the air quality management area, in line with Local Plan Policies CC10.

- 8) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps or electric boilers to be provided for space heating and hot water for the six self-contained dwelling houses (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In order to prevent new gas connections and to safeguard local air quality and the air quality management area, in line with Local Plan Policies CC1 and CC10.

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

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

- 10) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 15dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

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

- 12) The residential units hereby approved shall only be used as single dwelling houses falling within use Class C3. The residential units shall not be used as housing in Multiple occupation falling within Class C4 of the of the Town & Country Planning (Use Classes) Order 1987 (as amended).

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

- 13) No external 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, DC4, DC8 and HO11 of the Local Plan (2018)

- 14) Prior to the first occupation of the development hereby permitted, the cycle storage at ground level in the rear service road, shown on drawings PL.010 and PL.018, shall be installed in full accordance with the approved details. The cycle storage shall thereafter be permanently retained and maintained.

To ensure adequate provision of cycle storage for future residents, in full accordance with Policy T5 of the London Plan (2021).

- 15) Prior to the first occupation of the new residential units hereby approved, full details of the dedicated refuse and recycling store shall be submitted to and approved in writing by the Local Planning Authority. The new residential units hereby permitted shall not be occupied prior to the provision of the waste storage as shown on approved drawings PL.010 and PL.018 and in accordance with the details within the approved Refuse and Recycling Service Plan (by H Planning Ltd). The refuse and recycling storage for each use shall thereafter be permanently retained and maintained.

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

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

- 1) It is considered that the proposed change of use would result in an uplift of 6 residential units that are of an acceptable standard, accord with the Nationally Described Spaces Standards (NDSS) and would help the council meeting housing targets. The proposal complies with Local Plan (2018) Policies HO1, HO4, HO5, HO6, HO11, E2, TLC4, CC1, CC7, CC9, CC10, CC11, CC13, T1, T2, T3 and T4, associated Key Principles of the Hammersmith and Fulham SPD (201) and London Plan (2021) Policies D6, D12, D14, H1, HC1, SI1, T1, T5, T6, and T7. Additionally, works would serve to preserve the significance of the listed building and the setting of adjacent listed buildings and the character and appearance of the wider conservation area, in accordance with s.16, 66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

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

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

Application form received: 24th April 2023  
Drawing Nos: see above

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

#### **Consultation Comments:**

**Comments from:**  
Historic England London Region  
Thames Water - Development Control

**Dated:**  
02.05.23  
28.04.23

## **Neighbour Comments:**

### **Letters from:**

3 charlotte mews London W14 0QW  
F45 Kensington Olympia Lower Ground Floor,  
103 Hammersmith Road London W14 0QH

### **Dated:**

21.07.23

15.05.23

## OFFICER REPORT

### 1.0 BACKGROUND

#### Site and Surrounding

- 1.1 Roberts House, 99-103 Hammersmith Road is part of a group of Grade II listed terrace of houses with shops to the ground floor. Built in 1824 by W.S. Payne, and originally known as Dorcas Terrace, they form a nearly uniform row of 3 storeyed houses, each 2 windows wide. They are of brick construction with a painted cornice below the parapet. The 1st floor windows are recessed below semi-circular relieving arches, with those to the 3 houses at each end of the row having similarly arched heads. There are ornamental iron railings of a standard pattern to 1st floor balcony, which are missing from 105 and 119, the latter having sections of railings set into the window openings. Every house now has a shop in its ground storey. No 103 historically had an added mansard storey. The property was heavily altered following a successful 1989 proposal (1989/01392/FUL) which essentially retained the façade with the rear being reconstructed and extended.
- 1.2 The property is located within the Dorcas Estate Conservation Area. The application site is located on the southern side of Hammersmith Road which also forms the boundary of the Dorcas Estate Conservation Area. Hammersmith Road is designated as a Local Distributor Roads. The application site falls outside of a town centre or local centre designation.
- 1.3 The PTAL is 6a, indicating excellent access to public transport. Many bus routes operate along Hammersmith Road including the 9, 27, N9 and N27 with destinations to Hammersmith town centre, Camden Town and Temple. Kensington (Olympia) train station is a short walk away which affords access to TfL Overground and District Line services, as well as National Rail services, operated by Southern towards Watford Junction and East Croydon. The Hammersmith Stations and bus depot are also within walking distance.

#### 1.4 Planning History

1984/02009/LBC - Erection of rear extension at ground first and second floor levels construction of an additional floor at existing roof level covering the entire building change of use of part of the ground floor entire first second and newly constructed third floor as offices retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1986/00400/FUL - Erection of rear extensions at ground first and second floor levels



construction of an additional floor at existing roof level covering the entire building change of use of part of the ground floor entire first floor second and newly constructed third floors as offices retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1989/01393/LBC - Erection of rear extensions at basement ground first and second floor levels; construction of an additional mansard floor at existing roof level; use of part of the ground floor the entire basement first and second floors and newly constructed third floor as offices; and retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1989/01392/FUL - Erection of rear extensions at basement ground first and second floor levels construction of an additional mansard floor at existing roof level; use of part of the ground floor the entire basement first and second floors and the newly constructed third floor as offices; and retention of the Hammersmith Road facade by tying back to a new structural frame - Approved at Committee (20.04.1990).

1990/00726/LBC - 99 Hammersmith Road - Erection of a five storey building comprising office use of the basement part ground floor first second and mansarded third floor with retail use of part of the ground floor associated car parking and the retention of the Hammersmith Road facade by tying back to a new structural frame (revised scheme) - Approved

1990/00725/FUL - 99 Hammersmith Road - Erection of a five storey building comprising office use of the basement part ground floor first second and mansarded third floor with retail use of part of the ground floor associated car parking and the retention of the Hammersmith Road facade by tying back to a new structural frame (revised scheme) - Approved

1995/01743/FUL - 99 Hammersmith Road - Installation of a 1300mm diameter satellite dish on roof - Approved

1995/01906/LBC - 99 Hammersmith Road - Installation of 1.3 metre satellite dish antenna on the roof - Approved

1996/00107/LBC - 99 Hammersmith Road - Installation of a new shopfront including fascia and projecting signs and internal alterations at ground floor level - Approved

1996/00059/FUL - 99 Hammersmith Road - Installation of air conditioning condenser units involving erection of fencing to side of existing bin store at the rear and insertion of 3 No ventilation grilles in side elevation - Approved.

1996/00191/LBC - 99 Hammersmith Road - Installation of ventilation grilles on the east elevation and air conditioning plant with associated enclosure at the rear - Approved.

1998/00128/FUL - 99 Hammersmith Road - Change of use of part basement and ground floor to restaurant (Class A3), part ground floor to retail (Class A1), together with associated alterations to the rear elevation, to include new openings at ground floor level to No.s 115 and 107 with projecting glass canopies over,

erection of new gate and railings to the existing car park area, erection of a new bicycle store, security office and bin stores to rear - Approved.

1998/00129/LBC - 99 Hammersmith Road - Alterations to rear elevation at ground floor level to include removal of existing decorative frameworks above all existing doorways, removal of 2 windows and formation of new entrance doors to the rear of No.s 115 and 107 with the addition of projecting glass canopies over, removal of parts of existing railings and other associated works. Alterations to rear car park area to include the addition of new metal gates at the east and west entrances to the car park, new brick works and repairs to the existing car park walls and the provision of binstores, a cycle store and a security office - Approved.

1998/00155/LBC - 99 Hammersmith Road - Internal alterations to include removal of lift shaft walls and ducts, removal of internal walls and provision of new W.C.'s - Approved

## Current Proposal

1.5 The application seeks planning permission and associated listed building consent for the following works:

2023/01033/FUL: Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard

2023/01034/LBC: Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard; internal alterations to include installation of secondary glazing to windows at first, second and third floor levels to north eastern and south eastern elevations; installation of secondary glazing to windows at third floor level and replacement of existing secondary glazing with new secondary glazing to windows at second floor level to north western elevation; creation of partition walls in connection with the formation of new habitable rooms, bathrooms and kitchens for the new residential units; creation of cycle storage at ground floor level and new aovs at basement level

1.6 The proposal will result in the change of use of 360sq/m floorspace last in use as Class E (offices) and replaced with 6 new residential units at upper levels of the application site. The application site does not include the ground and basement levels, and as a result, an active commercial frontage will be retained at street level.

1.7 This report covers both applications 2023/01033/FUL and 2023/01034/LBC.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The applications were advertised by way of press and site notices. Neighbouring properties were also notified by letter, advising of the full planning application only.

2.2 As a result of consultations 1 neutral comment was made on the full planning application and 1 letter of objection was made on the full planning application. No representations were received relating to the listed building consent application. Comments made are summarised below:

2.3 Neutral comment (comment made neither supporting or objection to the full planning application)

- Charlotte Mews is not the name of the servicing road to the rear of the application site. Charlotte Mews is a private road unrelated to this site.

2.4 One objection made in relation to the full planning application:

- Concerns the proposed development will have on the commercial gym in the basement / the lower ground floor of 103 Hammersmith Road
- Business established 5 years ago
- Potential for noise complaints with a gym located below residential accommodation - no noise complaints to date
- If complaints were made by future residents, this would result in gym having to defence or reduce offering and impact commercial offering
- Concerns with access as this is via the communal lobby and future residents could complain about access (perceived security issue)
- Could use rear access for gym access, however this would impact street frontage and business exposure along Hammersmith Road

2.5 Material considerations raised will be considered within this report.

2.6 External consultee responses

Thames Water - Requested a condition related to pilling, should pilling be used as the site is within 15 metres of a strategic sewer. Requested two informatives.

Officer's note: As works are upper levels only, such a condition is not necessary or relevant.

Historic England - Not necessary to consult Historic England (on the full planning and listed building consent applications).

Metropolitan Police - Compliance with Secure by Design specification will satisfy building regulation requirement and is a material consideration.

## 3.0 POLICY FRAMEWORK

3.1 The statutory development plan comprises of the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of

the application.

### 3.2 National Planning Policy Framework (NPPF).

The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and 2021 and more recently in 2023. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

3.3. 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.

### 3.4 The London Plan

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

### 3.5 The Local Plan

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

3.6 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 4.0 PLANNING CONSIDERATIONS

4.1 The main planning considerations in light of the London Plan (2021) and the Council's Local Plan (2018), Planning Guidance SPD include:

1. The principle of the change of use in land use terms.
2. Impact on visual amenity including impact on the character and appearance of the Grade II listed building and the wider Dorcas Estate Conservation Area
3. The impact of the proposal on the amenity of neighbouring properties including commercial units at lower levels
4. Standard of accommodation of the new residential units
5. The impact of the proposal on the highway network.
6. Environmental matters including contamination and air quality.

## 5.0 LAND USE/PRINCIPLE OF THE CHANGE OF USE FROM OFFICES (CLASS E) TO RESIDENTIAL (CLASS C3):

Loss of commercial offices:

5.1 The application site is a 4-storey commercial block located on the southern side of Hammersmith Road at the corner of Southcombe Street. The wider site benefits from a basement level and is in use as a gym (Class E). The ground floor contains a vacant retail unit. A lobby provides access to the upper floors and includes a lift to each floor. London Plan (2021) Policy E1 Offices notes:

- A Improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.
- B Increases in the current stock of offices should be supported in the locations in Parts C and D below.
- C The unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ, NIOD (Northern Isle of Dogs) and other nationally-significant office locations (such as Tech City and Kensington & Chelsea), should be developed and promoted. These should be supported by improvements to walking, cycling and public transport connectivity and capacity. Future potential reserve locations for CAZ-type office functions are identified at Stratford and Old Oak Common, capitalising on their current and potential public transport connectivity to central London, the UK and beyond.
- D The diverse office markets in outer and inner London (outside the areas identified in Part C) should be consolidated and - where viable - extended, focusing new development in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity and capacity including:
  - 1) the strategic outer London office location at Croydon town centre
  - 2) other town centre office locations (having regard to the Town Centre Network office guidelines in Table A1.1 and Figure A1.4 in Annex 1
  - 3) existing urban business parks (such as Chiswick Park, Stockley Park and Bedfont Lakes), taking steps towards greater transport sustainability of these locations
  - 4) locally-oriented, town centre office provision to meet local needs.
- E Existing viable office floorspace capacity in locations outside the areas identified in Part C should be retained, supported by borough Article 4 Directions to remove permitted development rights where appropriate, facilitating the redevelopment, renewal and re-provision of office space where viable and releasing surplus office capacity to other uses.
- F Boroughs should consult upon and introduce Article 4 Directions to ensure that the CAZ, NIOD, Tech City, Kensington & Chelsea and geographically defined parts of other existing and viable strategic and local office clusters (such as those in and around the CAZ, in town centres and other viable business locations - see Part D3 above) are not undermined by office to residential permitted development rights.
- G Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- H The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.
- I The redevelopment, intensification and change of use of surplus office space to other

uses including housing is supported, subject to the provisions of Parts G and H.

5.2 Local Plan Policy E1 seeks to provide for a range of employment uses across the borough. This police notes the council will:

also support the retention, enhancement, and intensification of existing employment uses. It will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability. When considering new employment floorspace or the extension of existing floorspace the council will also take into account:

- a. whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area, and public transport accessibility;
- b. impact upon small and medium sized businesses that support the local community;
- c. scale and nature of employment opportunities generated in the new development;
- d. whether there will be displacement of other uses such as community facilities or housing; and
- e. the Hammersmith and Fulham Economic Growth Plan and the council economic strategies.
- f. Boroughs should consult upon and introduce Article 4 Directions to ensure that the CAZ, NIOD, Tech City, Kensington & Chelsea and geographically defined parts of other existing and viable strategic and local office clusters (such as those in and around the CAZ, in town centres and other viable business locations - see Part D3 above) are not undermined by office to residential permitted development rights.
- g. Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- h. The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.
- i. The redevelopment, intensification and change of use of surplus office space to other uses including housing is supported, subject to the provisions of Parts G and H.

5.3 Local Plan Policy E2 relates to land use and premises used for employment. Policy E2 states:

The council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where:

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 in line with sub para.3 above, 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.

The mixed use enhancement of employment sites will be considered acceptable where these are underutilised, subject to the satisfactory retention or replacement of employment uses in the scheme where this continues to be appropriate.

- 5.4 The application site covers the 1st floor to 3rd floor levels. The application sites lawful use is offices, falling within Class Use E. As observed during officer's site visit, the offices are now vacant. One floor has been fitted out with carpet and other furnishing to show prospective tenants how the space could be used (3rd floor). Other floors are now entirely vacant and some are unfurnished with no floor coverings and require some minor repairs and decoration.
- 5.5 To support this application and specifically the change of use, a Planning Statement has been prepared as well as a Commercial Agency Marketing Report (by Frost Meadowcroft) and Commercial Agency Marketing Report (by Eddisons). The planning statement outlines the first and third floors have been vacant since March 2020 despite active marketing. The second floor is occupied by 'EF Medical' however they have indicated a desire to vacate the property.
- 5.6 EF Medical previously occupied the 2nd floor of 103 Hammersmith Road as observed during officer's site visit on the 14/06/23. The planning agent confirmed via email the 2nd floor tenant moved to a smaller office unit next door on 31st January 2024. This tenant downsized to the first floor of No.107 Hammersmith Road (taking approx. 60% of the floor area they previously occupied).
- 5.7 As noted in para 5.3, policy E2 permits a change of use resulting in the loss of office space whereby it "can be evidenced that the property is no longer required for employment purposes." Overall, the existing tenant would remain in operation and within the borough.
- 5.8 Two marketing reports have been provided in efforts to meet Policy E2 - criterion two 'evidence of unsuccessful marketing over a period of at least 12 months'.

#### Frost Meadowcroft - Marketing Report

- 5.9 This marketing report provides an insight into why the premises isn't letting, a summary of marketing, commentary on the local and wider office market, schedule of viewings and a schedule of comparable vacant alternative space. The report outlines vacant space has been marketed at 103 - 115 Hammersmith Road continuously for at least the last 5 years with limited success and the current space at 103 specifically has been marketed since March 2020. The site has been marketed online on a range of platforms. A total of 6 views have taken place since January 2022. The offices were discounted by prospective tenants due to a range of reasons including location, specification, quality and / or chose serviced officers.

#### Eddisons - Marketing History Report (April 2023)

- 5.10 This marketing report outlines officers have been provided on flexible terms e.g. (1 to 10 years) with rent reviews after 5 years or linked to RPI, capping of service charges, break clauses, rent free periods to fit out the offices. Two recent views were discounted as the prospective tenants decided to put their move on hold

whilst the other tenant would have required planning permission for a F1 class use.

- 5.11 Both marketing reports and supporting information have been assessed by Planning Policy (Land Use) senior officers. Officer's requested further information related to the current occupied office. To support claims the tenant wishes to leave the space, a surrender of lease occupied by EFM was provided. As outlined under para 5.7 this unit is now also empty as of the 31st January 2024. The previous tenant downsized to the first floor of No.107 Hammersmith Road. A further justification was provided on the 27th June 2023 in response to officer's concerns that much of the analysis regarding office use was desktop and the council's recently adopted Affordable Workspace SPD was brought to the applicant's attention.
- 5.12 During the application process, officers noted a healthy pipeline of development within the immediate area of the application site (Earls Court and Olympia) which demonstrates, to the contrary of marketing reports there is a demand for a range of office types in the borough. The supply of smaller offices is still compromised by losses due permitted development. Officer's note this application is peculiar in that it would not have permitted development rights as the site is Grade II listed.
- 5.13 Officer's requested further information to better understand the flexibility in leases provided as flexibility can be as important as cost to SMEs/start ups and would be an indication of marketing on attractive/reasonable terms for the typology of occupiers for this type of space. A further justification was provided on the 19th of July 2023 which was reviewed by officers. Officer's are mindful this area could be considered as a rather peripheral location, particularly given Olympia will be closed for some years due to redevelopment efforts. The fitted out office is of a high standard and so the space may not be as attractive to smaller businesses and may wish to be located nearby other small business in more central areas.
- 5.14 An additional follow up justification was provided on the 19th of July 2023 which addressed officer's concerns relating to flexibility as well as further evidence of marketing efforts in the form of a barouche and online listing. Clarification was provided that rent is paid to the landlord (monthly or quarterly - guide rent of £39.50 sq. ft), service charges are £9.50 per sq. ft, contributions towards building insurance 55p per sq. ft. Finally, business rates are payable to the council. Information was also provided from CoStar, showing London's office vacancy - Hammersmith features in the top 5 high vacancy rates, at a vacant rate of 14.2% which compares to 4.1% for Westminster and 2.7% for Paddington.
- 5.15 Section 2 of the NPPF (2023) seeks to achieve sustainable development. Paragraph 8 notes to achieve sustainable development this includes
- a) an economic objective "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure".

along with a social objective which seeks to

- b) "support strong, vibrant and healthy communities, by ensuring that a sufficient



number and range of homes can be provided to meet the needs of present and future generations".

Housing supply:

- 5.16 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.
- 5.17 The proposal would result in the net-gain of six residential units. Officers consider that this would be consistent with the aims of the NPPF (2023), Policy H1, Table 4.1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).
- 5.18 In light of the above assessment and further information provided during the application process and given the application site has been vacant for sometime, officer's judge on balance, the principle of land use, in this particular case is judged to accord with the NPPF (2023) and Hammersmith and Fulham Local Plan Policies E1 and E2. Robust marketing evidence has been put forward as per E2 and the proposal would provide an uplift of 6 residential units, helping the council meet it's own housing targets.
- 5.20 Additionally, the proposal is judged to comply with London Plan Policy E1 criterion E in that renewal and re-provision of office space where viable and releasing surplus office capacity to other uses is supported. The council has explored criterion G of the London Plan (Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace) and the proposal accords with criterion I of this same policy in that there is scope to support a change of use of surplus office space.
- 5.21 An assessment of the quality and standard of accommodation produced as result of the change of use, will be assessed later in this report.
- 6.0 DESIGN / HERITAGE / IMPACT ON GRADE II BUILDING AND DORCAS ESTATE CONSERVATION AREA
- 6.1 This report covers full planning applications ref: 2023/01033/FUL as well as associated listed building consent application ref: 2023/01034/LBC. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 6.2 Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental). Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at paragraph 190 that local authorities, which considering proposals that affect a heritage asset, should seek to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal. Paragraph 205 states that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification.
- 6.3 Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 207 of the NPPF requires that harm to be weighed against the public benefits of the proposals.
- 6.4 Policy HC1 of the London Plan (2021) section C states Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.
- 6.5 Local Plan Policy DC4 Alterations and Extensions states that The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
  - successfully integrated into the architectural design of the existing building; and
  - subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design.

- 6.6 Local Plan Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets and when determining applications affecting heritage assets, the council will apply the following principles:
- a. the presumption will be in favour of the conservation, restoration and enhancement of

heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;

- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
- c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
- g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;
- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified the NPPF.

6.7 Key principle AH2 Protection of Heritage Assets of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (SPD) (2018) states There will be a presumption in favour of the conservation of heritage assets and the more significant the heritage asset, the greater the presumption in favour of its conservation will be. The council will seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the usual consultations with interested parties; and
- (vi) where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies).

Where the loss of the whole or a material part of a heritage asset's significance is justified, the council will require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate.

6.8 Key principle CAG3 New Development in Conservation Areas states New buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area. Characteristics such as building heights, building lines, roof forms, rear and side additions, front gardens and boundary treatment, lightwells, materials, windows and building features as well as disabled access measures should be considered in this context.

- 6.9 Although listed, the building has only retained the façade at the front elevation with the rest of the building having been altered and extended to the rear. The original floor plan is not legible at all, with the floors predominantly in an open plan layout to accommodate existing office space. The existing front elevation will not be altered.
- 6.10 The proposal intends to redevelop the site to create 6 new residential dwellings on the 1st to 3rd floors. The size of the dwellings exceeds the minimum internal space standards as set out in the London Plan. The basement, which is being used as a gym, will be left unchanged.
- 6.11 There is a car park located to the rear of the property. A new bin store is to be constructed in an existing car park space and placed next to an existing brick outbuilding, with cycle parking to accommodate bicycles being introduced as well.
- 6.12 The erection of a bin store will allow for the management of waste at the new residential properties. The bin store is to be constructed of timber to match the existing open timber store to the other side of the existing enclosed brick store. The use of timber is acceptable as a sympathetic and complementary material to the match similar external structures, the host building and its setting.
- 6.13 An existing frame is to be removed and New Automatic Opening Vents (AOVs) are to be installed at the rear to provide smoke clearance to the basement level. The exact position and size will be subject to requirements stated from a fire engineer. The public visibility of the existing glazing and proposed vents is extremely limited and would not have a negative impact. Details regarding the new AOVs will be required and secured by a pre-commencement condition.
- 6.14 There will be limited change to the interior at ground floor level, with no changes to the ground floor retail unit. An interior cycle store will be incorporated to the rear of the ground floor. The main stairwell will be maintained throughout, continuing to allow access throughout the building. The adjacent lift and riser will also be maintained.
- 6.15 Existing secondary glazing is to be replaced on the front elevation at 2nd floor to meet the preliminary minimum sound reduction specifications as noted in a submitted noise report. New secondary glazing is to be installed at the rear and side on the 1st, 2nd, and 3rd floors and at the front elevation on 3rd floor. Secondary glazing will allow for original windows at the front elevation to be retained whilst significantly reducing heat loss and noise pollution. The secondary glazing will be surface fixed, resulting in little harm to the historic fabric.
- 6.16 The retention of the existing windows, especially on the historic front elevation, will preserve the character and significance of the listed building and the conservation area.
- 6.17 In conclusion the proposal is acceptable with the terrace's conversion back into residential dwellings being consistent with its original purpose. This proposal will not harm the building's historic fabric at all. The significance and character of the listed building and wider conservation area will be preserved. The rest of the structure, including the internal fabric and layout is modern with alterations and

interventions to accommodate proposed flats resulting in no harm.

6.18 It is considered that for the above reasons, the proposal would serve to preserve the significance of the listed building and the setting of adjacent listed buildings and the character and appearance of the wider conservation area, in accordance with s.16 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), the London Plan (2021), Policies DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

6.19 Conditions will secure the following information:

- a.) Full details of the Automatic Opening Vents, including manufacturers specifications, and report from a fire specialist;
- b.) Details of the secondary glazing, including a report and method statement for their installation and how existing historic fabric will be impacted;
- c.) Details, including material samples, for the proposed bin store

#### 7.0 IMPACT ON NEIGHBOURING AMENITY, INCLUDING COMMERCIAL UNITS AT LOWER LEVELS.

7.1 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.

7.2 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).

7.3 Key Principle NN4 of the Planning Guidance SPD (2018) outlines that proposals which have the potential for people to generate noise will be subject to requirements to minimise noise to relevant criteria, where applicable, to protect residential and other noise sensitive amenity.

7.4 To the south of the application site is the flank elevation of no 1 Southcombe Street, whilst to the east is the flank elevation of 97 Hammersmith Road. To the north is commercial offices located on the opposite side of Hammersmith Road.

+ Outlook, light, privacy and a sense of enclosure

7.5 Given external works are limited to changes along the front, vent grill to the rear and the bin/bike store in the rear service road, no concerns are raised with regards to light, outlook, privacy or sense of enclosure. The structure to house cycle and waste is limited in size. The boundary wall with no 1 Southcombe Road is high and as such the structures placement would not harm amenity as shown on drawing PL.018. Additionally, officer's site visit confirmed the flank elevation is windowless.

7.6 The flank elevation of 97 Hammersmith Road contains two windows at first and second floor level. Council tax records show no 97 contains a residential use and commercial uses. Given windows are existing as are windows on the flank elevation of the application site, the proposed change of use would not exacerbate overlooking currently experienced on site. Had the officer's been successfully leased out, an occupied office would offer similar overlooking from windows. As such, officer's do not deem it necessary to obscure glaze these windows. Occupancy levels of an office when compared to a residential house would be lower and simply measures such as blinds or curtains would prevent harmful overlooking in the hours of darkness.

#### + Noise

7.7 To support this application an Environmental Noise Survey and Noise Impact Assessment Report has been provided. This was reviewed by council's noise team who raised no concerns. A condition will secure a further noise report as well as details of sound insulation between the walls separating the commercial of the premises from dwellings. Concerns to this were raised by the commercial unit in the basement as an objection. Under permission ref: 2018/01541/FUL which granted the gym in the basement, condition 4 was discharged under ref: 2018/03887/DET for details of sound insulation. Given the new residential units are at upper levels, no noise transfer concerns are raised. Subject to this condition, no objections are raised and should ensure the future units are suitably insulated from noise and disturbances whilst ensuring the commercial unit can operate without impact.

7.8 No objection is therefore raised with regard to Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN4 of the Planning Guidance SPD (2018).

#### 8.0 STANDARD OF ACCOMODATION OF NEW RESIDENTIAL UNITS

8.1 The current application proposes the change of use of the existing vacant offices into six self-contained residential dwellings. Accordingly, Policy D6 of the London Plan (2021) would be an applicable consideration.

#### + Unit and individual room size

8.2 As depicted on the proposed floor plan [PL.011] the following unit mix is proposed:

##### First floor

Flat 1 - 3B5P

Flat 2 - 2B4P

##### Second floor

Flat 3 - 3B5P

Flat 4 - 2B4P

##### Third floor

Flat 5 - 2B3P

Flat 6 - 2B3P

8.3 As depicted in the Design And Access statement, the following unit sizes are:

First floor

Flat 1 - 95sq/m

Flat 2 - 77sq/m

Second floor

Flat 3 - 98sq/m

Flat 4 - 77sq/m

Third floor

Flat 5 - 72sq/m

Flat 6 - 67sq/m

8.4 All units would exceed the minimum nationally described space standard. As such, the proposal accords with Policy D6 of the London Plan (2021).

8.5 With regard to individual room sizes, Policy D6 of the London Plan (2021) specifies the following requirements:

- 1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.
- 2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
- 3) A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.
- 4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m..
- 5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m. within the Gross Internal Area).
- 6) Any other area that is used solely for storage and has a headroom of 0.9- 1.5m (such as under eaves) 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.
- 7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any built-in area in excess of 0.72 sq.m. in a double bedroom and 0.36 sq.m. in a single bedroom counts towards the built-in storage requirement.
- 8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

8.6 Annotations on the proposed floor plan specify the following individual room sizes:

First floor

Flat 1

Bedroom 1 - 19.6sq/m

Bedroom 2 - 11.5sq/m

Bedroom 3 - 9sq/m

KLD - 35 sq/m  
Built in storage - provided

Flat 2  
Bedroom 1 - 17.8sq/m  
Bedroom 2 - 11.8sq/m  
KLD - 29sq/m  
Built in storage - provided

Second floor  
Flat 3  
Bedroom 1 - 20sq/m  
Bedroom 2 - 11.8sq/m  
Bedroom 3 - 9.4sq/m  
KLC - 36sq/m  
Built in storage - provided

Flat 4  
Bedroom 1 - 17.85sq/m  
Bedroom 2 - 11.85sq/m  
KLC - 29sq/m  
Built in storage - provided

Third floor  
Flat 5  
Bedroom 1 - 19.6sq/m  
Bedroom 2 - 11.5sq/m  
Bedroom 3 - 9sq/m  
KLC - 35.7sq/m  
Built in storage - provided

Flat 6  
Bedroom 1 - 17.87sq/m  
Bedroom 2 - 11.87sq/m  
KLC - 29sq/m  
Built in storage - provided

8.7 As outlined above, all six proposed residential units would comply with the minimum GIA requirements in terms of unit size and individual room size, as specified by Policy D6 of the London Plan (2021).

+ Finished floor to ceiling height

8.8 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height must be 2.5m for at least 75% of the GIA of each proposed dwelling. The Nationally Described Space Standards (NDSS, 2015) outlines that the minimum finished floor to ceiling height must be 2.3m for at least 75% of the GIA of each proposed dwelling.

8.9 The applicant has submitted existing and proposed section drawings (drawing No PL.017) as part of the current planning application. The section drawings demonstrate that a finished floor to ceiling height of 2.5m for at least 75% of the



GIA of each proposed dwelling would be provided. Accordingly, officers raise no objection with regard to Policy D6 of the London Plan (2021).

#### + Outlook and light

- 8.10 Policy HO11 of the Local Plan (2018) specifies that the Council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard that meets the needs of future occupants. Outlook and light will be important considerations in relation to this.
- 8.11 An Internal Daylight Assessment (dated May March 2023) prepared by Daylight Sunlight Consulting Ltd has been submitted as part of this application. This outlines how consideration has been given to the latest 2022 BRE Guidance contained within the 'Site Layout Planning for Daylight and Sunlight, a guide to good practice, 3rd edition'.
- 8.12 Using the illuminance factor test to assess the levels of internal lighting, the submitted internal daylight assessment demonstrates that all 20 (100%) of the 20 rooms tested achieve the target lux levels to 50% of the room's assessment area.
- 8.13 Some non-compliance is noted regarding northern facing windows fronting Hammersmith Road. Officers would note these rooms are bedrooms only, which are primarily used for sleeping and as a result require less light. Main living spaces are dual aspect and this is likely where future residents would spend the majority of time awake. On balance, this would not solely warrant or sustain a refusal reason. Officer's note the GIA of each unit exceeds minimum standards and main living space would receive good levels of light.

#### + Noise

- 8.14 Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use. Furthermore, this Key Principle goes on to state that where a residential dwelling would adjoin a commercial premise, substantially enhanced sound insulation would be expected.
- 8.15 The units have been designed in such a way to ensure uniform stacking with main living spaces located to the eastern / side perimeters. As noted under section 7.7 a condition will also secure sound insulation details between residential units and the commercial unit at ground floor level. The applicant has agreed to the imposition of these pre-commencement conditions in writing, and subsequently officers consider that this would be sufficient to prevent future occupants from being exposed to harmful levels of noise and disturbance.

#### + Amenity Space

- 8.16 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the Borough Development Plan Documents, 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. Key Principle HS1 of the

Planning Guidance SPD (2018) outlines that typically all new dwellings should have access to an area of amenity space that is appropriate to the type of housing being provided.

8.17 Within the constraints of this conversion application and listed building, no amenity space has been provided. The application submission notes any alterations to the front would cause heritage concerns (along with quality of usability, given Hammersmith Road is busy with traffic). Likewise, balconies to the rear would raise potential overlooking / privacy concerns towards existing residents to the south of the application site. Nearby Brook Green is 0.3 miles / 8 minute walk. On balance, given the room layouts, and generous internal space standards the lack of private amenity space in this instance is considered to be acceptable within the context of a listed building within a conservation area. Accordingly, no objection is raised with regard to Policy D6 of the London Plan (2021) or Key Principle HS1 of the Planning Guidance SPD (2018).

## 9.0 HIGHWAYS

9.1 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan (2021) specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:

- 1 space per studio unit or 1-person, 1-bedroom dwelling
- 1.5 spaces per 2-person, 1-bedroom dwelling
- 2 spaces per all other dwellings

9.2 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.

9.3 The public transport accessibility level is 6a indicated excellent levels of access to public transport. Therefore, to avoid exacerbating existing levels of parking stress and congestion, officers consider that car parking permit restrictions for occupants of all six residential units proposed would be required. This will be controlled by a legal agreement to prevent future occupants from applying for on-street car parking permits. An existing car parking space located to the rear of the building will be removed to provide a waste store and space for visitor cycle parking.

9.4 Policy T5, Table 10.2 of the London Plan (2021) outlines residential cycle parking requirements. The Transport Statement (June 2023) prepared by Caneparo Associates which was provided at the request of officers confirms in para 3.8 Cycle parking will be provided within a secure cycle store located at ground floor for long-stay cycle parking and complemented by visitor cycle parking within the courtyard to the rear of the building. A total of 12 long stay cycle parking will be provided in the form of Sheffield stands and will be secure. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan (2021).

9.5 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to

minimise waste and should provide convenient refuse and recycling storage. In terms of servicing and waste collection proposed waste storage facilities are located within the rear car park accessed from the rear entrance to 99-103 Hammersmith Road. A Refuse and Recycling Service Plan was provided which confirms in para 1.7 'Storage facilities have been calculated based on BS5906:2005.'

9.6 The transport statement concludes there will be no significant impact on traffic in the area. whilst officer's note the Active Travel Zone statement is not fully in line with TfL's guidance, given the proposal is for 6 units the assessment is judged to be acceptable by highways officers.

9.7 This site is located along a busy local road of importance to the borough (on the approach to Hammersmith town centre and towards central London / RBKC). The refuse and recycling report confirms Construction work to convert the property will require small vans bringing materials. Construction access will be via Southcombe Street and the private road to the rear. As works are predominately internal, in line with Local Plan Policy T7 (construction and demolition logistics), this is judged to be acceptable, and officers judge it would not unduly impact the nearby highway during the construction phase.

## 10.0 ENVIRONMENTAL MATTERS

### +Land Contamination

10.1 Local Plan Policy CC9 relates to Contaminated Land and seeks to ensure when development is proposed, suitable assessment should be undertaken. As only limited development will take place, the council's Land Contamination officer has requested an informative only which requests the applicant to contact the Council should any unexpected staining or malodours be encountered during the redevelopment.

### + Air Quality

10.2 Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new development. The site is located to a busy road and will introduce new residential units. The entire borough is within an air quality management area. As such, conditions have been recommended which will ensure the new units are gas connection free and only heated zero emission methods (electric boilers or ASHPs). An additional condition will secure more information related to ventilation. Subject to these conditions, no objections are raised with regards to Air Quality.

### + Fire Safety

10.3 Policy D12 of the London Plan states that applications should be accompanied by fire safety information. During the application process fire safety information was provided.

10.4 This information confirms an initial review has been carried out by an Approved Inspector and informed the design. This has included vented lobby between the cycle store and corridor, confirmation the lobby/reception will not contain any

combustible materials. Furthermore, officer's note a condition will secure Full details of the Automatic Opening Vents (requiring listed building consent) and this will include manufacturers specifications, and report from a fire specialist.

10.5 This statement is judged to be acceptable. Fire safety will also further be considered under the building regulations.

#### + Secure by Design

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

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

10.8 A condition will ensure the development is secure by design accredited.

#### + Accessibility

10.9 Local Plan Policy DC1 requires all development to be of a high quality and should have an approach to accessible and inclusive urban design.

10.10 The proposal outlines all units would be M4(2) 'accessible and adaptable dwellings'. As such, no accessibility concerns are raised. Officer's observed a lift in the reception/lobby during their site visit. Whilst level access is not possible to the front, this is possible to the rear via the service road (Southcombe Street) with onwards level access to the lift.

#### + Flooding

10.11 The site is located within Zone 1 and near the boundary with Zone 2. Given works are internal / land use only, a flood risk assessment has not been provided or deemed necessary. Thames Water raised no objections, however, have requested two informative, which have been added.

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

#### + Mayoral and Local CIL

11.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. 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. As the development does not involve any increase in floorspace, it is not eligible for Mayoral CIL.

This development is liable for an estimated Mayoral CIL of approximately £72,430 (plus indexation).

11.2 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. as above the development is not liable to local CIL as the development does not involve any new floorspace.

+ S106 Heads of Terms

- 11.3 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'.
- 11.4 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."
- 11.5 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).
- 11.6 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.
- 11.7 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.
- 11.8 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) Car Permit Free - To prohibit any occupiers of the 6 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
  - 2) Contribution of £120,000 towards environmental improvements in the vicinity of the site.

## 12.0 CONCLUSION

- 12.1 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.
- 12.2 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.
- 12.3 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).
- 12.4 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.
- 12.5 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.

## 13.0 RECOMMENDATION

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

## 14.0 CONCLUSION

- 14.1 Grant permission subject to conditions and a satisfactory legal agreement.