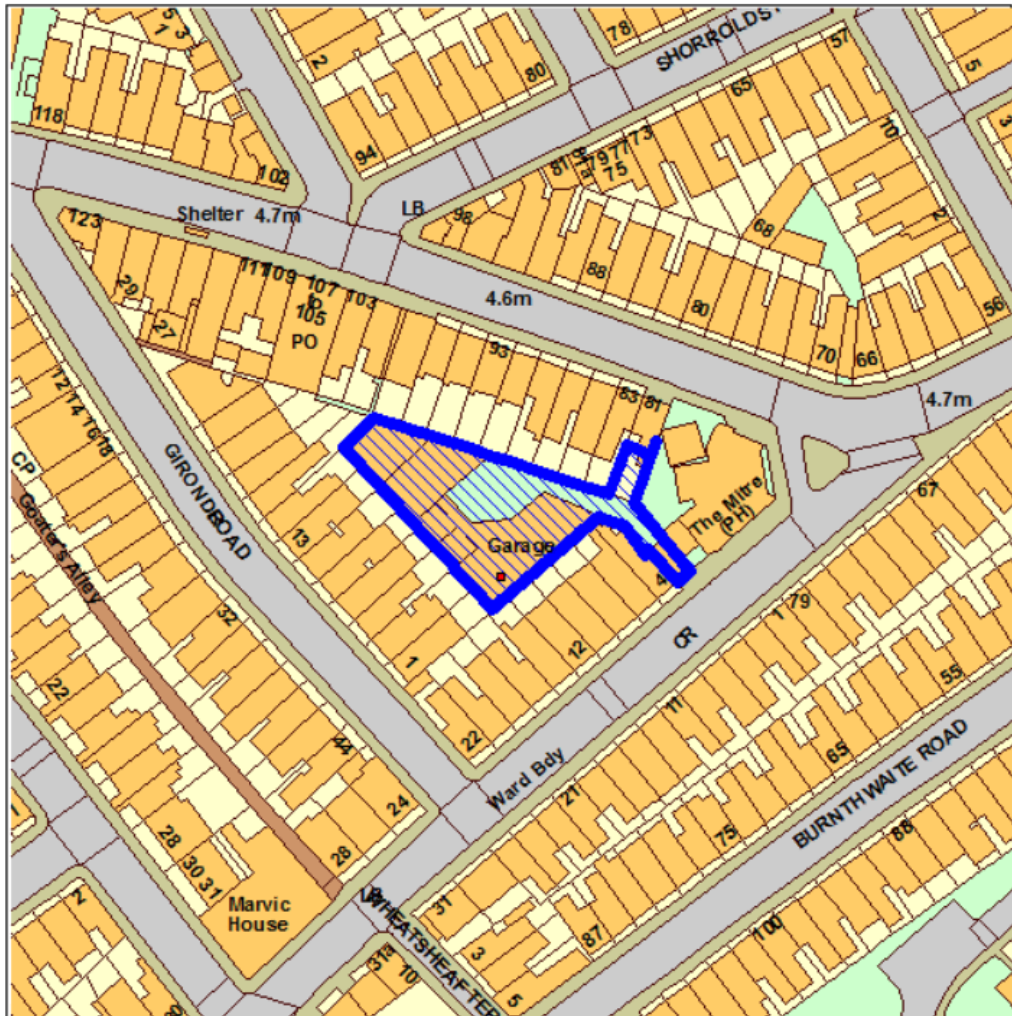


Ward: Fulham Broadway

Site Address:

Triangle Garage 2 Bishop's Road London SW6 7AB



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For identification purposes only - do not scale.

Reg. No:

2022/03708/FUL

Date valid:

28.12.2022

Committee Date:

16.07.2024

Case Officer;

Graham Simpson

Conservation Area:

N/A

Applicant:

2 Bishops Road Limited
C/O Agent

Description:

Demolition of the existing industrial buildings (Use Class B2) and erection of 6no two storey plus-basement single family dwellinghouses (Use Class C3) with associated landscaping, bicycle storage, one wheelchair accessible car parking space, refuse storage and associated works.

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) Timeframe

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

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

2) Approved drawings

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

309_STA_S_LG_DR_A_10_099 P2;
309_STA_S_00_DR_A_10_100 P2;
309_STA_S_01_DR_A_10_101P2;
309_STA_S_02_DR_A_10_102 P2;
309_STA_S_XX_DR_A_10_200 P2;
309_STA_S_XX_DR_A_10_201 P2;
309_STA_S_XX_DR_A_10_202 P3

309_STA_S_XX_DR_A_10_350 P2;
309_STA_S_XX_DR_A_10_351 P2;
309_STA_S_XX_DR_A_10_400 P2;
309_STA_S_XX_DR_A_10_401 P2;
309_STA_S_XX_DR_A_10_402 P2;
309_STA_S_XX_DR_A_10_403 P2.

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

3) Materials

No part of the structure above ground level shall be constructed until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been 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.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1 and DC2 of the Local Plan 2018.

4) 1:20 detailed drawings

No above ground works (save demolition) shall be commenced until detailed drawings, at a scale of no less than 1:20, of typical bays on each elevation of the building in plan, section and elevation have been submitted to, and approved in writing by, the Council. Thereafter the development shall be carried out in full accordance with the approved details and permanently retained as such thereafter.

Reason: To ensure a satisfactory external appearance and to prevent harm to the character, appearance and setting of the area, in accordance with Policies DC1 and DC2 of the Local Plan 2018.

5) External lighting

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction of Light Pollution 2011'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

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

6) Green roof

No part of the structure above ground level shall be constructed until full details of the green roof and green wall system to be used have been submitted to, and approved in writing by, the local planning authority. Details shall include vertical sections through the green roof and green wall, as well as a maintenance plan. No part of the development shall be used or occupied prior to the completion of the development in accordance with the agreed details.

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

7) Hard and soft landscaping

The development hereby permitted shall not be occupied or used before details and samples of surface materials, of the soft and hard landscaping of all private and communal external areas, including planting, planting schedules, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council. The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter. All soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure the building maintains satisfactory external relationship with its surroundings and that the new external areas are of an acceptable appearance, in accordance with Policies DC1 and DC2 of the Local Plan 2018.

8) No plant

No alterations shall be carried out to the external appearance of any part of the development hereby approved, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan 2018.

9) No aerials

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1 and DC2, of the Local Plan 2018.

10) Rooftop structures

No water tanks, water tank enclosures or other structures, other than those set out on the approved drawings, shall be erected upon the roofs of the building hereby permitted.

Reason: It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1 and DC2 of the Local Plan (2018).

11) Rainwater goods

No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front, rear or side elevations of the building hereby approved.

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

12) Demolition Management Plan

Prior to commencement of the development hereby approved the following shall be submitted to, and approved in writing by, the Council:

(i) A Demolition Management Plan

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, and not on Sundays or 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. The approved details shall be implemented throughout the project period.

(ii) A Demolition Logistics Plan

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of demolition traffic on nearby roads and restrict demolition trips to off peak hours only. The details shall also include the numbers, size and routes of demolition vehicles, provisions to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

Reason: To ensure that demolition works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

13) Construction Management Plan/Construction Logistics Plan

Prior to commencement (excluding site clearance and demolition) of the development hereby approved the following shall be submitted to, and approved in writing by, the Council:

(i) A Construction Management Plan

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays and not on Sundays or 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. The approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. The details shall also include the numbers, size and routes of construction vehicles, provisions to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

Reason: To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

14) Air Quality Dust Management Plan (Demolition)

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Demolition Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors on-site and offsite of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as indicated in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,
- 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 NO_x and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 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.

Reason: To ensure air quality is not compromised during the demolition phase, in line with Local Plan Policies CC10 and CC13.

15) Air Quality Dust Management Plan (Construction)

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Demolition Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within 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 Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as indicated in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,
- 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 demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times.

Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

Reason: To ensure air quality is not compromised during the construction phase, in line with Local Plan Policies CC10 and CC13

16) Cycle store

The development shall not be used or occupied until the cycle storage areas, as shown on the approved drawing no. 309_STA_S_00_DR_A_10_100 P2 have been installed, and the cycle storage areas shall be permanently retained in this form thereafter.

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

17) Refuse store

The development shall not be used or occupied until the refuse storage areas, as shown on the approved drawing no. 309_STA_S_00_DR_A_10_100 P2 have been installed, and the refuse storage areas shall be permanently retained in this form thereafter.

Reason: To ensure adequate provision for refuse storage, in accordance with Local Plan (2018) Policy CC7.

18) Flood Risk Assessment

The development hereby permitted shall not be occupied or used until the flood resilient design measures and sustainable drainage measures identified in the Flood Risk Assessment dated February 2023 submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

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

19) SUDS

The development hereby approved shall not commence (save for works of site clearance and demolition of existing buildings) until details of a revised Surface Water Management Strategy. Details should review the inclusion of rainwater harvesting for re-use. The measures shall thereafter be permanently retained for the life of the development. Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

20) Secure by design

No above ground works (save demolition) shall be commenced until a statement of how "Secured by Design" requirements are to be adequately achieved for the development has been submitted to and approved in writing by the Council. Confirmation shall be supplied that the details are agreed by the Metropolitan Police's Crime Prevention Advisor. Thereafter the approved details shall be carried out prior to occupation of the development and permanently maintained thereafter.

Reason: To ensure a safe and secure environment for users of the development, in accordance with Policies HO11 and DC2 of the Local Plan (2018).

21) No terraces

No part of any roofs of the buildings shall be used as roof terraces or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

Reason: The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policies CC11 and CC13 of the Local Plan (2018).

22) Preliminary Risk Assessment

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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

23) Site investigation scheme

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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

24) Quantitative risk assessment

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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

25) Remediation method statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement 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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

26) Verification report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full 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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

27) Onward long-term monitoring methodology report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until 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 LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

29) Zero emissions heating

Prior to occupation of the development, details of the installation of the Air Source Heat Pumps or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

29) Electric vehicle charging point

Prior to occupation of the development hereby permitted, details of the installation including location and type of active electric vehicle rapid charging point (22-50KW) for the one car parking space must be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

Reason: To ensure the suitable provision of off street car parking spaces and electric vehicle charging within the development to meet the needs of future site occupiers and users, in accordance with Policy T6 of the London Plan (2021) and Policy T4 of the Local Plan (2018).

30) No HMO

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).

Reason: The use of the property as 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).

31) Thames Water

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.

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

32) Fire safety

No development shall commence until a Fire Safety Statement is submitted to and approved in writing by the Council. The Statement shall demonstrate that the proposals comply with the Building Regulation Approved Document Part B. 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).

33) External noise from plant

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

34) Anti-vibration mounts

Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Justification for approving application:

1. Land Use: The proposal would achieve a sustainable development by providing much-needed housing on previously developed land, that has been disused and in a derelict state for many years. The loss of this longstanding vacant employment use is considered to be acceptable in this instance, the proposal would provide six residential units contributing 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 housing suitably sized for families, 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 which optimises the capacity of previously developed land, and having regard to the character and appearance of the existing site and surrounding area. The proposal therefore accords with the NPPF (2023), London Plan (2021) PolicyD3, and Local Plan (2018) Policies DC1 and DC2.
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: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. Adequate provision for the storage and collection of refuse and recyclables would be provided. 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 local employment skills initiatives, public realm improvements, car permit free restrictions; s278 highways works; and the submission of a Construction Management Plan and an 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 and INFRA1.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 21st December 2022
Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF - Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:
Metropolitan Police Crime Prevention

Dated:
24.01.2023

Neighbour Comments:

Letters from:

Dated:

7 Gironde Road London SW6	27.01.23
Flat A 25 Gironde Road London SW6	27.01.23
83 Dawes Road London SW6	27.01.23
85 Bishops Road London SW6	30.01.23
9 Gironde Road London SW6	30.01.23
7 Gironde Road London SW6	30.01.23
8 Bishops Road London SW6	30.01.23
10 Bishops Road London SW6	30.01.23
12 Bishops Road London SW6	30.01.23
79 Dawes Road London SW6	31.01.23
3 Gironde Road London SW6	30.01.23
5 Gironde Road London SW6	31.01.23
11 Gironde Road London SW6	31.01.23
17 Gironde Road London SW6	31.01.23
4 Bishops Road London SW6	31.01.23
Ground floor flat London 4 Bishops Road SW6	31.01.23
Top floor flat 4 London Bishops Road SW6	31.01.23
Fulham Society	04.02.23

1.0 SITE DESCRIPTION

- 1.1. This is a vacant triangular back land light industrial site (approximately 0.09 hectares) surrounded by two and three storey residential terraces fronting Dawes Road, Gironde Road and Bishop's Road. It includes a vacant part one/ two storey industrial building last used as a car body repair workshop and spray service (Class B2). The site is accessed from an archway on the northern side of Bishop's Road between No.4
- 1.2. The site is not within a conservation area, and has a PTAL rating at 4, and is within Flood Risk Zone 2.

Planning history

- 1.3 In 1950 planning permission (Ref: 1950/08208/FUL) was granted for the erection of a building at rear for use as a taxi garage, repair workshop and lock-up garages.
- 1.4 In 1950 planning permission (Ref. 1950/08618/FUL) was granted for the installation of one petrol pump and tank.
- 1.5 In 1951 planning permission (Ref. 1951/00704/FUL) was granted for the erection of a single storey garage and workshop building at the rear.

- 1.6 In 1956 planning permission (Ref. 1956/04463/FUL) was granted for the erection of a roof over part of the yard adjoining the proposed spray shop.
- 1.7 In 1972 planning permission (Ref. 1972/00159/FUL) was granted for the rebuilding and enlarging of existing paint spraying workshop.
- 1.8 In 1988 planning permission (Ref. 1988/00025/FUL) was granted for the retention of flues to paint spray booth.
- 1.9 In 1995 planning permission (Ref. 1995/01704/FUL) was granted for alterations to the existing extract duct at roof level on the paint spraying booth adjacent the site boundary with 7 Gironde Road.
- 1.10 In 2017 planning permission (Ref. 2017/03201/FUL) was refused for the demolition of all existing buildings (Class B2) general industrial and erection of 2 no. three storey plus basements buildings for use as five dwelling houses (Class C3) with associated car and cycle parking and commercial space for office use (Class B1).

The application was refused on the following grounds:

- Lack of evidence to justify the loss of employment floorspace
 - Unsatisfactory mix of housing units
 - Substandard accommodation with lack of satisfactory private amenity space, overlooking and poor outlook
 - overdevelopment due to the scale, massing and extent of site coverage
 - Excessive basement excavation including most of the site
 - Unneighbourly due to loss of daylight, outlook, and privacy
- 1.12 In 2019 planning permission (2019/03852/FUL) was refused for a reduced the demolition of existing buildings (Class B2) and erection of 4 x part one, part two and part three storey plus basement single family dwellinghouses (Class C3), and erection of 1 x two storey plus-basement detached dwellinghouse (Class C3) at the rear of the site; provision of cycle parking, refuse storage 1 x car parking space for a disabled badge holder and associated landscaping.
 - 1.13 To overcome the previous reasons for refusal the submissions included the following amendments: marketing information, revised internal layouts for the proposed residential units, reduced the scale and massing and window designs that are angled away from neighbouring properties. Although, the overwhelming majority of the previous reasons were addressed, the application was refused due to the siting, scale and mass of the proposed buildings including height of the boundary wall which result in overbearing and increased sense of enclosure and loss of outlook to residential occupiers in Gironde Road.
 - 1.14 In 2021, the appeal (APP/H5390/W/21/3267941) against the above refusal (2019/03852/FUL) was dismissed. The Inspector concluded that the proposals would result in harm to the neighbouring properties at 3, 5 and 7 Gironde Road by reason of loss of outlook and oppressive sense of enclosure.

Current proposal

- 1.15 The current application follows on from the previous refusal (2019/03852/FUL) and dismissed appeal and seeks to address the reasons for withholding consent. The application involves the demolition of the existing industrial buildings (Class B2) and erection of 6 x two storey plus-basement single family dwellinghouses (Class C3) with associated landscaping, bicycle storage, one wheelchair accessible car parking space, refuse storage and associated works. The main difference between this application and the previous refused proposals is that the massing of the proposed buildings has been reconfigured and lowered. The revised mass now includes a single building rather than two buildings and the inclusion of rear gardens on the boundary with Gironde creates a more open aspect. The proposed single terrace building has been set back from and aligns with the party boundary with Dawes Road which retains a high boundary wall.

2.0 PUBLICITY AND CONSULTATION:

Pre-Application Engagement

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the Applicant undertook a detailed programme of pre-application engagement with the Council's Planning officers. Pre-application discussions were held between July 2022 and December 2023. While the preapplication scheme included improvements to address the previous refusal (2019/03852/FUL) officers raised the following concerns:
- loss of outlook, daylight/sunlight and overshadowing to some neighbouring properties
 - overlooking and loss of privacy
 - quality of proposed accommodation
 - poor outlook and daylight/sunlight to habitable spaces.

The current scheme has been designed to address the above concerns.

Pre-Application Public Engagement

- 2.3 The Applicant has submitted a Planning Statement outlining engagement undertaken with local residents prior to the submission of the application. The consultation process involved a public consultation event over two evenings at the Fulham Mitre public house which neighbours the site in November 2022. In summary the consultation included:
- Invitation letters sent to resident occupiers and landowners of Bishop's Road, Dawes Road and Gironde Road in advance of the event.
 - At the event presentation boards were displayed, showing details of the proposed scheme, demonstrating its relationship with the neighbouring properties and the surrounding local context, and comparing the new scheme with both the current industrial development on the site and the previous (refused and dismissed) scheme.
 - In total, 16 individuals attended the event across the two evenings. Attendees were offered the opportunity to record their email contact in a register so that they could receive an electronic copy of the presentation and to forward any

comments to the applicant's project team. The applicant responded to all the subsequent emailed comments.

2.4 The key issues raised included:

- Residents were pleased with the reduction in massing and height (compared to the previous planning applications);
- Residents of Gironde Road were satisfied that the siting and scale of the proposed built form would not adversely impact on their outlook, and other residents also recognised the improvement in outlook compared to the existing industrial structures;
- Support for the retention of the boundary wall, and asked questions were raised about private party wall matters;
- car parking and local congestion;
- the location, proximity and management of the refuse store, length of the overall construction period and hours of work;
- importance of undertaking asbestos removal in accordance with or above statutory standards; and
- existing security concerns associated with the industrial use; a residential use would be much more suitable for this site.

2.5 In response the scale, mass, positioning and design of the proposed development has been addressed. The boundary wall would also be retained. On-Site car parking has been limited to one blue badge space and a car-free development would be secured precluding future residents from being able to obtain parking permits. Details of Construction Logistics Plan and a Construction Management Plan would be secured by conditions and adhered to (also addressing asbestos removal). An enclosed timber refuse store sitting below the level of the boundary walls and fencing has been proposed to house bins.

Application Stage

2.6 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 113 neighbouring properties.

2.7 Eighteen objections (including 1 duplicate letter) have been received. The grounds of objection can be summarised as follows:

- Too high/bulky and over dominant
- Out of keeping with character of the area, being overbearing and overdevelopment
- Insufficient submissions and detail on drawings to make assessment
- Loss of daylight/sunlight
- Overshadowing
- Overlooking/loss of privacy
- Increased sense of enclosure/loss of outlook
- Light pollution from external lighting
- Noise and disturbance from roof terrace and additional habitable room openable windows
- Increased parking stress/traffic generation
- Antisocial behaviour in communal areas/access routes
- Safety issues over vehicles needing to reverse out of the site

- Lack of detail on emergency and utility vehicles accessing the site
- Noise, nuisance and dust from building works
- Inadequate amenity space for family dwellings, while the proposed internal floorspace is oversized
- Poor standard of accommodation proposed at basement levels due to poor outlook/natural lighting
- Object to the refuse store next to the car park - odour/vermin
- Structural and safety issues (subsidence, party wall issues, contamination and asbestos) from extensive excavation and demolition
- Impacts on existing underground services including electricity and drainage
- Noise and disturbance from new residential use - comings and goings, and refuse and cycle store right next to shared boundary wall with neighbour's gardens
- Impact on neighbouring drainage

2.8 The Fulham Society raised the following concerns:

- The houses are very small
- Overdevelopment
- Impact of excavations on surrounding structures
- Poor daylighting
- Concerns over access for emergencies and servicing

3.0 Policy Context

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

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

3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). Several strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (2023)

3.4 The National Planning Policy Framework - NPPF (as updated 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.

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

The London Plan

3.6 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposal has been assessed in line with the policies set out in the Plan. The London Plan is supported by guidance, which provides further information about how the London Plan should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

The Local Plan

3.7 The Council Local Plan was adopted 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. This provides supplementary detail to the policies and is organised around key principles.

3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Planning Guidance Supplementary Planning Document (SPD) have been referenced where relevant.

3.9 The main planning considerations in light of the London Plan 2021, and the Local Plan 2018 (hereafter referred to as Local Plan 2018) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), include:

- the principle of the development in land use terms;
- quantum and intensity of development;
- design and appearance;
- existing residential amenities of neighbouring properties;
- traffic impact on the highway network;
- environmental sustainability and
- planning obligations.

4.1 LAND USE

Loss of existing use

4.2 London Plan Policy E4 relates to land for industry, logistics and services to support London's economic function.

4.3 Policy E1 (Range of Employment) of the Local Plan 2018 encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises.

4.4 Policy E2 (Land and Premises for Employment Uses) of the Local Plan 2018 asserts that 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 continued use would adversely impact on residential areas; or an alternative use would give a demonstrably greater benefit

that could not be provided on another site; or it can be evidenced that the property is no longer required for employment purposes.

- 4.5 Satisfactory marketing details have previously been submitted and accepted in 2019. Officers accepted that the B2 use was surplus to requirements for this area and that a general industrial use would no longer be appropriate on this site, given its proximity to neighbouring residential dwellings. The existing backland commercial site is surrounded by residential properties and the proposed residential use would be compatible with the existing residential character. Overall, officers consider the proposed loss of this vacant employment land is acceptable in accordance with Local Plan Policies E1 and E2.the.

Residential use:

- 4.6 Paragraph 60 of the NPPF states that local planning authorities should seek to significantly boost the supply of housing. The need for housing is recognised in Policy H1 of the London Plan and Table 4.1 of this Policy sets out a minimum target of 16,090 new residential dwellings by 2028/9 within the Borough Policy HO1 of the Local Plan seeks to exceed the minimum target set out in London Policy H1, Table 4.1.
- 4.7 The proposed development would contribute a net addition of 6 residential units. Overall, the development would accord with London Plan Policy H1 and Local Plan Policy HO1.

Residential mix:

- 4.8 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.9 The proposed scheme comprising 1x2-bed and 5x3-bed units is considered to represent an appropriate housing mix. Overall, the proposed scheme would accord with Policy HO5 of the Local Plan.

5.0 QUALITY OF ACCOMMODATION

Indoor and outdoor space standards

- 5.1 London Plan 2021 Policy D6 (Housing quality and standards) states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Local Plan Policy HO4 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes, with an emphasis on family accommodation. Local Plan Policy HO11 and Housing Standards Key Principles HS1, HS2, and HS3 of the Council's SPD also sets minimum floor areas and internal room sizes for new residential development. In either case, any development would still need to comply with the London Plan minimum standards which supersede those within the Local Plan.

5.2 The proposals include the following:

1x2-bed/4-person: 174sqm, complies (79sqm London Plan minimum)
4x3-bed/5-person: 174sqm - 201sqm, complies (99sqm London Plan minimum)
1x3-bed/6-person: 223sqm, complies (108sqm London Plan minimum)

5.3 All the proposed units would exceed recommended minimum GIA as set out in London Plan, and Key Principle HS2 of the Planning Guidance SPD. The development is also compliant with the Technical Housing Standards in terms of room sizes, storage space and floor-to-ceiling heights.

5.4 In terms of amenity space, the Mayor's Housing SPG Baseline Standard 26 sets out standards to private open space. The standard is quantified as 5sq.m. for 1-2 person dwellings and an extra 1sq.m. should be provided for each additional occupant. This standard is met throughout the development, in the form of lower ground level rear gardens. The Council's SPD Housing Policy 1 states that new, family-sized accommodation should have access to amenity or garden space of not less than 36sq.m.). All the units exceed this requirement with the exception of Units 1 and 3 (17sqm and 20sqm respectively); however, the internal floorspace for both these units is generous, is of good quality and complies with the London Plan standard. In these circumstances, the proposed outdoor amenity is considered acceptable.

Outlook and daylight to habitable rooms

5.5 Local Plan Policy HO11 states that new housing is of a high standard and provide housing that will meet the needs of future occupants.

5.6 All of the units would be dual aspect, with the habitable rooms oriented mainly to the south. The main living/kitchen areas would be south facing located at basement level, with large clear French doors opening onto the private gardens, thereby affording a good level of outlook. The rear open spaces all vary in length with the units towards the west end of the site having increasingly short rear gardens.

5.7 Officers acknowledge that the units with the shortest rear gardens (Units 1 and 2) would have the most restricted outlook. It is nevertheless still considered that on balance, the generous size of the internal areas, the shortest gardens would still be between 4m and 4.5m in depth, and that rest of the proposed units would have satisfactory south facing outlook on the levels above, that the proposals overall would provide adequate outlook.

5.8 An internal daylight and sunlight assessment report was submitted with the application. In terms of daylight, the report demonstrates that all but 3 of the 29 rooms tested within the proposed development achieve acceptable levels of, the majority significantly in excess of the BRE's Average Daylight Factor (ADF) test. Of the 3 rooms that do not comply, one is kitchen/dining room, and another only marginally falls short at 48% of the 50% target. Officers have reviewed this report and are satisfied that it is a robust assessment.

5.9 In terms of overshadowing, British Standard BS EN 17037 recommends that a rear garden should receive a minimum 1.5 hours of direct sunlight on a selected date

between 1 February and 21 March with cloudless conditions. The submitted report demonstrates that all the units within the proposal would enjoy at least 1.5 hours of direct sunlight on 21st March, in accordance with the minimum standard.

- 5.10 Overall, the level of daylight and sunlight provided to units within the proposed scheme would be good. Therefore, it is considered that the proposal would provide a suitable standard of amenity for future occupiers. The proposals would accord with Local Plan HO11.

Noise and Disturbance

- 5.11 Local Plan 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." 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.
- 5.12 Overall, 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

- 5.13 London Plan Policy D7 and Local Plan Policy HO6 seek to ensure high quality accessible homes. Local Plan 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'.
- 5.14 In this instance, all the flats are duplexes with facilities spread across three levels and therefore cannot meet the optional requirement M4(3) standards.
- 5.15 Notably, supporting paragraph 3.7.7 under Policy D7 of the London Plan 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 which also relates to small sites).
- 5.16 The proposed building on this small scale site provides level access, sleeping accommodation for two of the proposed units at ground floor level. Due to site constraints which restrict the layout, it is not practical to accommodate bedrooms, bathrooms and kitchen and living space at ground level.
- 5.17 Due to site constraints it is not physically practicable to provide level access to all the units on this constrained back land site. It is not possible to ensure that 10% of the units are fully wheelchair accessible, however under minimum Building Regulations M4(2) standards 90% of the units would be wheelchair adaptable.

Overall, the proposals would accord with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

- 5.18 London Plan (2021) Policy D11, Local Plan (2018) Policy DC1 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.
- 5.19 Subject to conditions, the proposals accord with London Plan (2021) Policy D11 and Local Plan (2018) Policy DC1.

Fire Safety

- 5.20 Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.
- 5.21 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.
- 5.22 Pursuant to London Plan Policy D12, the submission of a Fire Statement is not a requirement for minor development proposals. In the interests of fire safety and to ensure the safety of all building users, the proposed dwellings include fire alarm systems and passive and active fire safety measures and will be constructed in an appropriate way to minimise the risk of fire spread. The buildings have been designed in accordance with Building Regulation Approved Document Part B which relates to suitable and convenient means of escape. Given the nature of the proposal, officers are satisfied that this consideration has been given to Policy D12, Part A. A condition has been attached to ensure that a Fire Safety Statement be submitted to demonstrate that the proposals comply with the Building Regulation Approved Document Part B.
- 5.23 Overall, subject to a condition the proposals accord with fire safety and Policy D12 of the London Plan.

6.0 DESIGN

- 6.1 The 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.
- 6.2 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".

- 6.3 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.
- 6.4 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.
- 6.5 The application site is a backland site accessed from Bishops Road, currently occupied by industrial buildings. As such, the proposed development would have limited visual impact, upon the local street scene environment and local townscape. The proposal would introduce a linear mews, reflecting the established building line of Dawes Road.
- 6.6 The scale of the proposed development has been reduced in scale from the previously refused submission; with the elements of development closest to neighbouring properties being either omitted or situated towards the centre of the site. The surrounding built environment is typically comprised of two storey Victorian terraced houses, with pitched roofs. Although presenting a three storey form, given the excavation of the centre of the site, the overall scale and height of proposed development would be lower and therefore subservient when considered in this context.
- 6.7 The proposal would follow an architectural approach with a simple and contemporary design and materials. The approach would include use of high-quality red/brown facing brickwork, reconstituted stone features; alongside elevations including projecting picture windows, and treated timber framed doors and bays. These features are considered to be an appropriate design response in this location. Private views of the site will also be enhanced, as neighbours on all sides would look out onto the new development rather than derelict buildings.

- 6.8 The submitted plans indicate that gardens serving each property will be designed to include additional native trees and planting beds introduced. All buildings will feature green roofs. A full landscaping plan, to include details of hard and soft landscaping and boundary treatments, will be secured by condition.
- 6.9 The proposal includes a new basement level to be excavated beneath the new units, which would be a full storey beneath the current ground level. It would mostly be contained underneath the footprint of the new building, except for the proposed outdoor amenity spaces. The extent of the proposed excavation is considered acceptable in this instance given the existing buildings already cover the vast majority of the site and that the new that there would be very limited public views of the rear garden amenity spaces. The proposed basement excavation is therefore considered to be acceptable with regards to Local Plan Policy DC11. Furthermore, in accordance with the policy, a Subterranean Construction Method Statement was submitted with the application. The Flood Risk Assessment submitted with the application confirms that structural waterproofing measures and active drainage devices would be incorporated into the new basement and this is considered to be acceptable.
- 6.10 The application site is not located in a conservation area and would not impact upon any designated/non-designated heritage assets.
- 6.11 Overall, officers consider this to be a well-designed scheme which optimises the use of a previously developed site. The development is in accordance with relevant design policies in the NPPF, London Plan Policy D3, and Local Plan Policies DC1 and DC2.

7.0 RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 7.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 7.3 The proposal site is bounded on all three sides by residential terraced properties; 4 - 14 Bishop's Road to the south, 1 - 17 Gironde Road to the south west and 81 - 103 Dawes Road to the north east.

Outlook/sense of enclosure

- 7.4 The Council's SPD Housing Key Principle 6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees

from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

- 7.5 As there is an existing high boundary wall surrounding the site, with an existing part one, part two storey building located on the subject site, a line of 45 degree has been taken from the top of the existing wall. It is noted that for the previous appeal that the Inspector also considered that this was a reasonable approach to take. The proposed replacement buildings have therefore been set back from each of the three boundaries at first floor level. The proposed first floor of unit 1 has been set away from the shared boundary with No. 4, 6 and 8 Bishop's Road in order to avoid transgressing a notional 45 degree line. Similarly, the building line on the north elevation has been set away from the shared boundary wall with the row of terraced houses fronting Dawes Road to fall within the 45 degree line taken from the top of the shared boundary wall. Similarly, where the proposed building comes near to the rear boundary of 11 and 13 Gironde Road, the first floor set back from the boundary sufficiently so as to comply with the 45 degree line as described above.
- 7.6 Based on an on-site assessment, officers consider that the proposed massing of development would not have any undue impact in terms of outlook for the existing neighbouring properties in Bishop's Road, Dawes Road and Gironde Road. The massing of proposed development would be set away from the site boundaries and sits below an angle of 45 degrees on all the existing party boundaries with neighbouring residential properties. The development would not result in an overbearing impact or result an increased sense of enclosure to neighbouring properties or gardens. In general, the existing sense of openness that the site currently affords would be preserved and for those properties which back onto the south eastern corner of the site, the existing outlook would be substantially improved due to the proposed demolition of the existing buildings on the site.
- 7.7 Overall, the proposed development would have an acceptable impact on outlook and sense of enclosure in accordance with Key Principle HS6.

Daylight and sunlight

- 7.8 Policy D6 of the London Plan, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity space.
- 7.9 There are no specific policies about daylight, sunlight or overshadowing in the Local Plan. Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.

- 7.10 Policy DC1 (Built Environment) require development to be well designed and respect of the principles of good neighbourliness. Policy DC2 (Design of New Build) requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the Planning Guidance SPD (2018). Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.11 The applicant has submitted a sunlight and daylight analysis to assess the impact of the development on the light receivable to surrounding properties. The report considers the impact of the development on the following properties 81a, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101 & 103 Dawes Road, 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 & 21 Gironde Road, 4, 6, 8, 10, 12, 14, & 16 Bishops Road and The Mitre. Officers are satisfied that this provides a robust assessment.
- 7.12 All the 307 windows in the addresses outlined above have had the impact of the development assessed in terms of Vertical Sky Component (VSC), Daylight Distribution, Annual Probable Sunlight Hours (APSH) and overshadowing.
- 7.13 The submitted report demonstrates that all the windows, rooms and gardens included within the assessment fully comply with the targets set out in the BRE guide. Significantly, to address concerns about outlook, the proposed building's have been lowered in height and would have even less impact.
- 7.14 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The reduced height of the development when compared to the existing buildings, together with its set back and proposed distances from existing neighbouring houses would have no adverse impact on terms of daylight and sunlight.
- 7.15 Overall, the proposals would accord with London Plan D6, Local Plan Policies HO11, DC1 and DC2.

Privacy

- 7.16 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.17 The proposed windows in the southern elevation facing the properties in Gironde Road are either more than 18m away from any opposing neighbouring habitable room windows, or at a level that would have views obscured by the retained high level boundary wall on the southern boundary. In addition, a section of that boundary wall along No.s 5, 7 and 9 Gironde Road will include a 80mm high remedial coping stone adjoining The coping stone would be sloped away from the edge of the wall fronting Gironde Road, thereby preventing any perception of increased enclosure experienced by the neighbours, but providing the additional height to deliver satisfactory privacy.

- 7.18 To the north, the opposing properties in Dawes Road are all within 18m. To mitigate loss of privacy, the proposed first floor bay windows close to the party boundary with the properties in Dawes Road include angled designs and screens to prevent overlooking. The proposed ground floor windows would be beneath the height of the retained high boundary wall.
- 7.19 To the west, the proposed two windows in the west elevation are opposing the Gironde Road/ Dawes Road junction of properties are either more than 18m away from any opposing windows or restricted oblique views to the rear of those properties. There are no proposed windows proposed in the east elevation.
- 7.20 Overall, Officers consider that the properties in Dawes Road, Gironde Road or Bishops Road would not experience a significant loss of privacy from the proposed development. The proposals accord with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

Noise disturbance

- 7.21 London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 7.22 The proposals have been considered by the Council's Noise Protection Team and they raise no objections subject to conditions to safeguard against noise.
- 7.23 The proposed residential use is highly likely to be less noisy than if the lawful commercial use were to recommence on site. The proposed dwellings would have some small gardens that that would be in keeping with the existing surrounding rear residential gardens along Bishop's Road and Gironde Road.
- 7.24 Regarding noise during construction conditions would be attached to secure the submission of details for demolition and construction management plans, to control of nuisance during these phases.
- 7.25 Overall, the proposed residential development would not result in any undue noise impact in this residential area. The proposals accord with London Plan D14 and Local Plan Policies CC1 and CC13.

8.0 HIGHWAYS MATTERS

- 8.1 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 T1-T7 of the London Plan 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.

- 8.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 8.3 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". 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.
- 8.4 The above policies are supported by Key Principles TR1 -TR4, TR7, TR21 and TR27 of the Planning Guidance SPD (2018).
- 8.5 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Car parking

- 8.6 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 or in locations where the PTAL level is 2 or lower (TfL's public transport accessibility level). The site has a PTAL of 4 meaning it has good 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 secured by a legal agreement to prevent future occupants from applying for on-street car parking permits. One on site disabled parking space is proposed which is considered acceptable in this instance.

Cycle parking

- 8.7 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

- 8.9 The proposals include cycle parking for two bicycles provided within the front entrance lobby of each of the units as well as visitor cycle parking which includes two Sheffield style stands providing parking for four cycles located near to the entrance to the site. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan (2021).

Refuse and Recycling

- 8.10 Refuse would be stored on-site within a dedicated refuse storage area. The Eurobins would be moved a temporary on-site refuse collection point near the Bishops Road entrance to facilitate collection. This ensures that no resident will need to walk further than 25 metres to take their refuse to the bin store, and will also be able to easily transport their refuse to the kerb on collection day (Bishops Road) as is required by the Council's Waste Team. The refuse storage arrangements are therefore considered acceptable and would be secured by condition.

Footway improvements

- 8.11 The existing crossover serving the site may need to be improved as there are damages caused by exiting garage use. According to SPD Key Principle TR17, The developer will be required to pay for any works that the council in their capacity as the highway authority has the power to carry out and that are necessary as a result of new development. The council will undertake the works on the highway in order to ensure that the works are undertaken to the council's adoptable standards and in order to ensure the disruption to the road network is minimal. The works would be secured via a legal agreement.

Construction and Demolition Logistic Plan

- 8.12 An outline has been submitted and reviewed by the Council's Highways team. In order to assess and minimise the impact of the demolition/construction of the proposed development on the local highway network the submission of a Construction and Demolition Plan is required including the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council. Subject to conditions securing further details of such a plan, officers consider that the proposals would not unduly impact the nearby highway during the construction phase.
- 8.13 Overall, there are no objections to the proposal based on highways, traffic or parking. Subject to the outlined conditions and legal obligations the proposal accords with the London Plan and the Local Plan.

9.0 ENVIRONMENTAL CONSIDERATIONS

Flood Risk / SUDs

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 The application is supported by a FRA which includes information on measures are also detailed, including sewer surcharge protection, structural waterproofing measures, to help manage groundwater. Additional flood resilience measures are also detailed, including sewer surcharge protection.
- 9.6 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.
- 9.7 The Council's specialist officers (Environmental Policy) considered sufficient information has 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.
- 9.8 The proposals accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

Energy/Carbon Reduction

- 9.9 The scheme is not considered a 'major' site, so there are no requirements to submit a Sustainability Statement or Energy Assessment to show compliance with Development Plan policies on these issues although the council would still encourage the implementation of sustainability measures such as energy efficiency measures etc. Nonetheless, the proposed development incorporates measures to minimise greenhouse gas emissions and reduce energy consumption, as well as to promote water efficiency in accordance with London Plan Policy SI5 and Local Plan Policy CC3.
- 9.10 Passive sustainability measures have been included in the design relate to the consolidated massing and east-west orientation of the building which minimises heat loss through an efficient form factor, south-facing windows to maximise direct access to natural daylight, the siting and sizing of windows to minimise overheating and promote natural ventilation, and new green and blue infrastructure including green roofs, biodiverse planting and permeable paving. Building materials and components in both the façade and structure have been designed to minimise both embodied carbon and construction carbon. PVs and ASHP were considered, but due to the site constraints and close proximity to neighbours PVs and ASHP would be both inefficient and impactful in terms of acoustics and outlook.
- 9.11 The proposals are therefore considered acceptable with regards to London Plan Policy SI5 and Local Plan Policy CC3.

Contamination

- 9.12 Policy 5.21 of the London Plan and Policy CC9 of the Local Plan 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.
- 9.13 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are to be attached covering the assessment and remediation of contaminated land.
- 9.14 Subject to conditions the proposals accord with Policy 5.21 of the London Plan and Policy CC9 of the Local Plan

Air Quality

- 9.15 Policy CC10 of the Local Plan (2018) specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this. 5.74 A borough wide Air Quality Management Area is in place within Hammersmith & Fulham. The Council's Environmental Quality (Air Quality) team were consulted on the proposal. They have raised no objection to the proposal, subject to a preoccupation condition requiring details (including installation/commissioning certificates) of the zero

emission MCS certified electric boiler(s) for the supply of space heating and hot water to be submitted to, and approved in writing by, the Local Planning Authority.

9.16 Subject to this condition, officers raise no objection with regard to Policy CC10 of the Local Plan .

10.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)/PLANNING OBLIGATIONS

Mayoral and Local CIL

10.1 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 £89,776 (plus indexation).

10.2 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. This development is liable for an estimated CIL of approximately £448,880 (plus indexation).

S106 Heads of Terms

10.3 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'.

10.4 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."

10.5 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).

10.6 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.

- 10.7 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.
- 10.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items:
- 1) On-street car parking permit-free development
 - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to Bishop's Road pavement and crossover.
 - 3) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process (£3,000 per annum)
 - 4) AQDMP Compliance monitoring of £6000 per annum of the demolition and construction phases of the development.
 - 5) Employment and skills/ local procurement comprising:
 - a) Employment & Skills financial contribution of £42,000,
 - b) At least 10% to the total number of people employed on the construction of the development are local (H&F) residents, including 4 apprenticeships.
 - c) 10% of the build cost to be spent on businesses based in H&F in the supply chain of the development
 - d) A Local Procurement Contribution of £6,375 to support SMEs
 - 6) Contribution of £114,000 towards environmental improvements.
 - 7) A commitment to meet the costs of the Council's associated legal fees.

11.0 CONCLUSION

- 11.1 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.
- 11.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 11.3 In summary, the proposals to provide much-needed housing on previously developed land, that has been vacant for many years and is supported in principle.

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 surroundings. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, and ecology and biodiversity have also been satisfactorily addressed and will be subject to conditions/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

11.4 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.

11.5 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.

12.0 RECOMMENDATION

12.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.