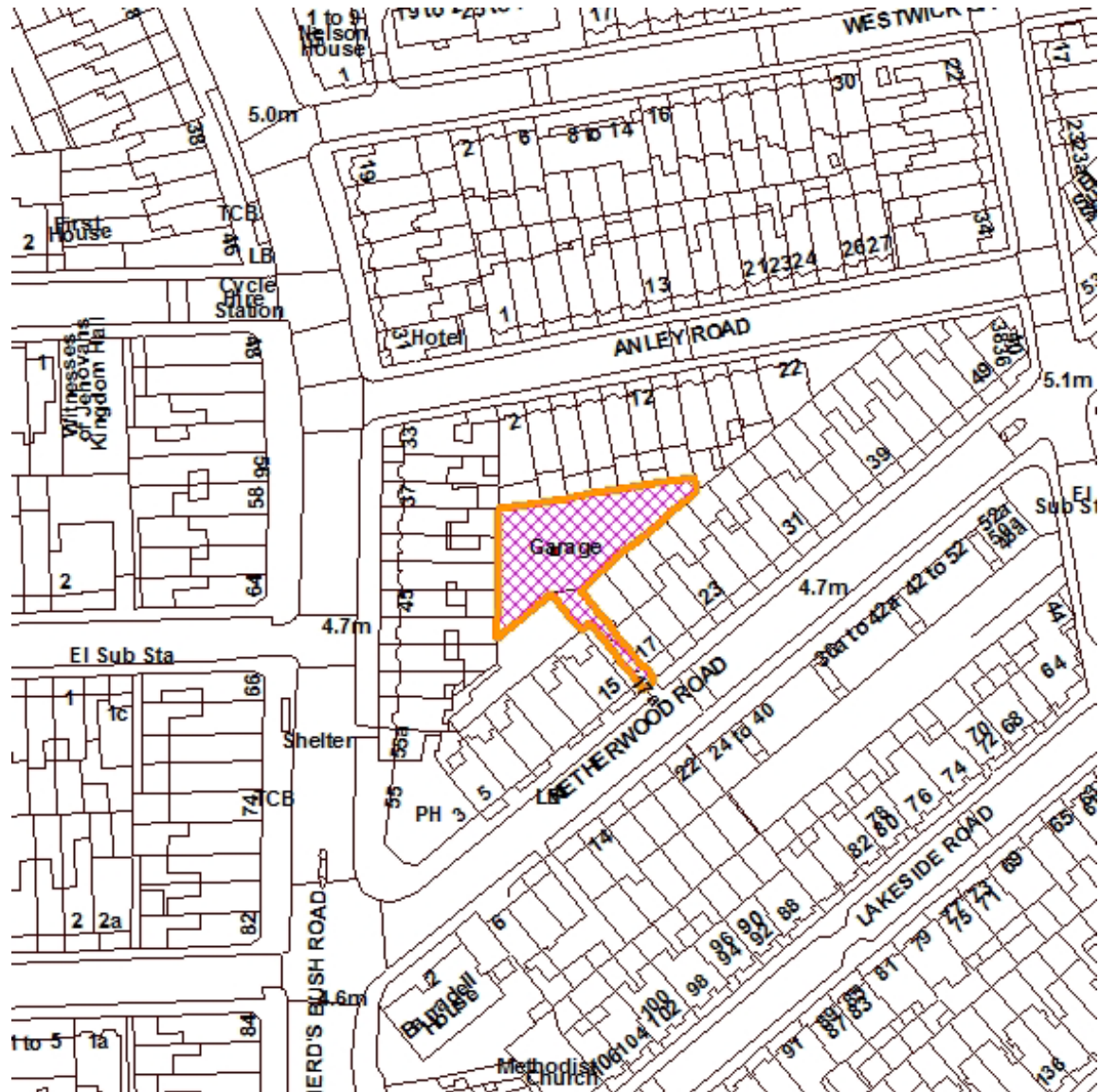


**Ward:** Addison

**Site Address:**

Netherwood Place Land To Rear Of 17A Netherwood Road  
London W14



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

**Reg. No:**  
2022/02745/FUL

**Case Officer:**  
Anisa Aboud

**Date Valid:**  
17.01.2023

**Conservation Area:**

**Committee Date:**  
03.12.2024

**Applicant:**

Maygrove Developments Ltd  
81 Maygrove Road West Hampstead London NW6 2EG  
UK

**Description:**

Demolition of existing autos workshop building (Use Class B2) and erection of a part one, part two storey plus-basement building with a communal terrace at upper ground floor level to provide 6 x 2 bedroom, 2 x 3 bedroom and 1 x 1 bedroom self-contained flats (Class C3); associated landscaping.  
Drg Nos: TBC

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

(1) That the Committee resolve that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

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

**Conditions:**

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

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

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

216019/PA/110 Rev B; 216019/PA/120 Rev B; 216019/PA/121 Rev C;  
216019/PA/122 Rev B; 216019/PA/130 Rev A; 216019/PA/131 Rev A;  
216019/PA/132 Rev A; 216019/PA/133 Rev A; 216019/PA/134 Rev A;  
216019/PA/135 Rev A; 216019/PA/140 Rev A; 216019/PA/200.

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

- 3) 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.

To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 4) The development shall not commence 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.

To ensure a satisfactory external appearance and to prevent harm to the character, appearance and setting of the adjacent conservation area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) Other than the areas explicitly identified as roof terraces/balconies on the approved drawings, no part of any other roof of the approved buildings shall be used as a terrace or other amenity space, and the roof terraces as approved shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. No other part of any roof of the building shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs in connection with their use as a roof terrace or other form of open amenity space. 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.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with Policies HO11 and CC11 of the Local Plan (2018).

- 6) 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.

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, DC2 and DC8 of the Local Plan (2018).

- 7) 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 Local Planning Authority.  
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.

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

- 8) 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.

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) 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.

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) 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.

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) The development shall not be used or occupied before a Refuse Management Strategy detailing arrangements for the movement, storage and collection of refuse and recyclables has been submitted to, and approved in writing by the local planning authority. Thereafter the development shall be carried out and implemented only in accordance with the agreed details.

To ensure the satisfactory provision of refuse storage and recycling, in accordance with Policy CC7 of the Local Plan (2018).

- 12) No part of the structure above ground level shall be constructed until full details of any 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.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, CC2 and CC3 of the Local Plan (2018).

- 13) The development hereby permitted shall not be occupied or used until the flood resilient design measures and water efficiency measures identified in the Flood Risk Assessment and Sustainable Urban Drainage Systems (SuDs) by UK Flood Risk (dated 23/06/2023 Version:1.2) submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

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).

- 14) Prior to commencement of the development hereby approved the following shall be submitted to, and approved in writing by the Local Planning Authority:

(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.

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).

15) 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.

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).

16) Prior to the commencement of the demolition phase (excluding installation of hoarding and Dust Deposition Monitors around the perimeter of the site) 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 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 demolition traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.

- f) Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site
- g) Details of Site Dust Monitoring Procedures and Protocols including photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m<sup>2</sup>/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.
- h) 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<sub>x</sub> and PM<sub>10</sub> 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<sub>x</sub> 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.
- i) 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 (PM<sub>10</sub>, PM<sub>2.5</sub>) and NO<sub>x</sub> emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

To ensure air quality is not compromised during the demolition phase, in line with Local Plan Policies CC10 and CC13 (2018).

- 17) Prior to the commencement of the construction phase (excluding installation of hoarding and Dust Deposition Monitors around the perimeter of the site) 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) Construction Site and Equipment Layout Plan
  - c) Inventory and Timetable of dust generating activities during Construction site activities.
  - d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM<sub>10</sub> (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction 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<sub>x</sub> 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 installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site
  - g) Details of Site Dust Monitoring Procedures and Protocols including

photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m<sup>2</sup>/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.

- h) 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<sub>x</sub> and PM<sub>10</sub> 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<sub>x</sub> 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 construction works and thereafter retained and maintained until occupation of the development.
- i) 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 (PM<sub>10</sub>, PM<sub>2.5</sub>) and NO<sub>x</sub> emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To ensure air quality is not compromised during the construction phase, in line with Local Plan Policies CC10 and CC13 (2018).

- 18) 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.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 19) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the nine self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 WHO aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO<sub>2</sub>) - 10ug/m<sup>3</sup>, Particulate (PM<sub>10</sub>) -15 ug/m<sup>3</sup> and Particulate (PM<sub>2.5</sub>) - 5 ug/m<sup>3</sup> are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of each residential floor.
- b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.



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

d) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 20) Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 7 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority.

The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 21) The development shall not be used or occupied until the cycle storage areas, as shown on the approved Dwg No. 216019/PA/121 Rev A have been installed, and the cycle storage areas shall be permanently retained in this form thereafter.

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).

- 22) 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.

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) 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.

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) 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.

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) 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.

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) 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.

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) 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.

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).

- 28) The development shall be carried out in accordance with the provisions of the Fire Statement prepared by Paul Brown Eng Tech, MIFireE, MIFPO, SIIRSM. Dated 03/10/2023, unless otherwise approved in writing by the Local Planning Authority.

To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan (2021).

- 29) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings throughout the development. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 30) Any excavation or alteration of surfaces within the Root Protection Area of the tree in the rear garden of No. 19 Netherwood Road should be carried out in accordance with BS5837:2012, and any pruning back of the tree's crown should be in accordance with BS3998:2010.

In order to ensure that no damage occurs to the protected tree close to the boundary of the site, and that by protecting this tree, its positive contribution to the character and appearance of the conservation area is preserved, in accordance with Policy OS5 of the Local Plan (2018).

- 31) Prior to occupation of the buildings hereby approved, details of any proposed external lighting shall be submitted to and approved in writing by the planning authority. Thereafter the lighting shall be installed in accordance with the details so agreed and retained as such thereafter.

To ensure the amenities of surrounding occupiers is not adversely affected through light spillage or light pollution, in accordance with Policy CC13 of the Local Plan (2018).

- 32) The development hereby permitted shall not commence until final details of how Sustainable Urban Drainage Systems (SUDS) will be incorporated into the development and maintained thereafter, have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

- 33) Notwithstanding the details on the drawings hereby approved, the development hereby approved shall not commence until details of how the proposed amenity spaces for Units 3, 6 and 8 will be effectively screened from neighbouring residential properties, including details and samples of the proposed screening materials, have been submitted to, and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the details approved and permanently retained as such thereafter.

In order to ensure the erection of adequate screening to prevent overlooking and any subsequent loss of privacy, in accordance with Policy CC11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

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

- 1) 1. Land Use: The proposal would achieve a sustainable form of development by providing much-needed housing on previously developed land which includes buildings in poor condition. The proposal would provide nine additional units of housing and would make efficient use of land by optimising residential use on this backland site. The proposals are therefore considered to be in accordance with Policy D3, GG2 and SD6 of the London Plan (2021), Policies E1, E2, HO1, HO4, HO5 and TLC2 of the Local Plan (2018). The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).
2. Housing Quality: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Housing 'Design Standards' LPG (2023), London Plan (2021) Policy D6, the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and relevant Housing 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 held to be visually and aesthetically acceptable. The proposals are considered to be of a good quality of design which optimises the capacity of a previously developed land. It is considered that the proposed development would be an adequate fit within the context and be sensitive to its surroundings, having regard to the character and appearance of the existing site and the character and appearance of the adjacent conservation area would be preserved. The proposed scheme therefore accords with the NPPF (2023), London Plan (2021) Policy D3 and D5, and Local Plan (2018) Policies DC1, DC2 and DC8.

4. Residential Amenity: The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme 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 proposals comply with Policies DC1, DC2, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

5. Highways matters: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking and a legal agreement is secured to ensure a car-free scheme in this area which benefits from very good public transport links. 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 transport and waste management Key Principles of the 'Planning Guidance' SPD (2018).

6. Environment: The impact of the development with regards to land contamination, flood risk, energy, sustainability, trees and air quality are considered to be acceptable subject to conditions to secure further details of mitigations and appropriate measures, 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).

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

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

Application form received: 26th September 2022  
Drawing Nos: see above

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

### **Consultation Comments:**

**Comments from:**  
Thames Water - Development Control  
Crime Prevention Design Advisor - Hammersmith

**Dated:**  
20.01.23  
09.02.23

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

2 Anley Road London W14 0BY	06.02.23
4 Anley Rd London W14 0BY	06.02.23
22 Anley Road London W14 0BY	09.02.23
2 Anley Road London W14 0BY	08.02.23
6 Anley Rd London W14 0BY	13.02.23
6 Anley Rd London W14 0BY	13.02.23
16 Anley Road London W14 0BY	21.02.23
6 Anley rd London W140BY	13.02.23

## OFFICER'S REPORT

### 1.0 BACKGROUND

- 1.1 The application site comprises a triangular-shaped parcel of land located to the rear of properties on Netherwood Road, Anley Road, and Shepherd's Bush Road. The site is currently occupied by an auto repair centre ('Netherwood Autos') and is a fully enclosed, backland plot. Pedestrian and vehicular access is via a narrow access road running between Nos. 15 and 17 Netherwood Road, beneath the undercroft of a residential unit. The access route is ramped as the site itself sits approximately 1m lower than the level of Netherwood Road.
- 1.2 The site is not located within a conservation area, however Nos. 3-15 Netherwood Road fall within the Melrose Conservation Area. None of the existing buildings on the site are subject to statutory listing or any other local heritage designation.
- 1.3 The site falls within the Environment Agency's Flood Zones 2 and 3 and has a Public Transport Accessibility Level (PTAL) rating of 6b, indicating excellent levels of accessibility.
- 1.4 This application seeks permission for demolition of the existing autos workshop building (Use Class B2) and erection of a part two, part three storey building to provide 6 x 2 bedroom, 2 x 3 bedroom and 1 x 1 bedroom self-contained flats (9 in total). Each of the units are positioned along the site boundary, around a communal courtyard on the southern part of the site. This is a similar proposal to the previously approved scheme which was not implemented.
- 1.5 Relevant planning history for the site includes:
  - 1992/01155/CLE - Certificate of lawfulness granted for the repair and servicing of motor vehicles.
  - 1995/01927/CLP - Certificate of lawfulness refused for the installation of a spray booth within the existing vehicle repairs garage and erection of an external ventilation flue.

2017/04360/FUL - Demolition of the existing autos workshop building (Use Class B2) and erection of a part two, part three storey building to provide 7 x 2 bedroom and 2 x 3 bedroom self-contained flats (9 in total). Each of the units are positioned along the site boundary, around a communal courtyard on the southern part of the site. Approved 15th June 2018.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 A site notice and press advert were published to advertise the application, and notification letters were sent to the occupants of 201 surrounding properties. A total of 7 responses were received. The reasons for the objection comments can be summarised as follows:

- lack of attention to fire and safety risks and the lack of clarity on the scale of the development;
- security risk of flat roofs on the gardens of Anley Road;
- concerns over asbestos and contamination risk;
- No provision for sustainable power production;
- Privacy from proposed roof terraces and external spaces;
- Noise disturbance as a result of the new residential use;
- Light pollution at night from roof terraces and external spaces;
- Increased sense of enclosure as a result of new built form;
- Impact of demolition and construction;
- Loss of employment and local economic activity;
- Overdevelopment of the site in terms of density of residential use;
- Design of development not in keeping with surrounding area;

The planning issues raised above will be addressed in the report below. Officer comment: Concerns about asbestos, fire safety and construction noise and activities are normally covered by building regulations and environmental health and protection legislations; however, where appropriate planning conditions can be used to request some mitigation measures.

External consultation responses:

2.4 The Environment Agency considers this development to be at low risk of flooding.

2.5 Thames Water - no objection with regards to surface water drainage if the developer follows the sequential approach to the disposal of surface water. No objection with regards to waste water network and sewage treatment works infrastructure capacity.

No objection with regards to water network and water treatment infrastructure capacity.

2.6 The planning issues raised above will be considered in more detail in the body of the report below.



### 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 legislation 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' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London 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 (2021)

- 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 proposed development has been assessed in line with the policies set out in the London Plan. The London Plan is supported by guidance, which provides further information about how the London Plan Policies should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

#### The Local Plan (2018)

- 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' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.

- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) 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), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:
- o The principle of the development in land use terms;
  - o Quality of Accommodation;
  - o The impact of the development on the character appearance of the Melrose Conservation Area;
  - o The impact of the development on neighbours' living conditions;
  - o Transport and highways;
  - o Environmental considerations and
  - o Planning obligations.

#### 4.0 LAND USE

##### Loss of Existing Use

- 4.1 London Plan Policy E4 relates to land for industry, logistics and services to support London's economic function.
- 4.2 The relevant policies for assessing the proposed change of use involving the loss of employment are Local Plan Policies E1 (Providing for a range of employment uses) and E2 (Land and premises for employment uses).
- 4.3 Policy E1 states that the council will support the retention, intensification and enhancement of existing employment uses. Policy E2 states 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 purpose.
- 4.4 The application site comprises the workshop buildings and a small yard associated with the existing car repair garage known as Netherwood Autos. The workshops are accessed via a narrow lane between nos. 15 and 17 Netherwood Road. The site area extends to approximately 725 square metres.
- 4.5 Netherwood Autos is a relatively small operation. The application form indicates the site currently employs two full-time employees. A site visit by the Case Officer revealed the internal and limited external spaces to be of relatively poor quality.

- 4.6 A marketing report has been submitted by the applicant which assessed the viability of letting the property against the market supply and demand for Class B2 of this scale across the Borough and surrounding area. Overall, the evidence in the report demonstrates that the property is neither suitable in its existing condition nor needed in for continued employment use. The building is no longer fit for purposes due to its the poor state (thin metal roof clad with asbestos, dilapidating fabric and a restricted narrow vehicular access). The marketing report concludes that it would not be financially viable to refurbish the building given the level of works required and even if this was carried out the site would struggle to stand out against other comparable existing Class B2 stock in the market which is in better condition but remains vacant. The report makes clear that redeveloping the site for alternative employment use would not be viable, as it would be unable to compete with the existing stock of Class B2 units in the area. Overall, the site has been marketed as available for alternative commercial activities between 2012 - 2022, a period of 10 years without success.
- 4.7 Moreover, Netherwood Road is a secondary location for employment space within the Borough, situated away from highly serviced and high amenity developments and clusters of employment use such as White City and Hammersmith Town Centre. In addition to the marketing report, Officers are concerned about a potential alternative light Industrial use in this constrained site. The site is enclosed on all sides by residential properties and hotel uses (on Shepherd's Bush Road) and sits very close to residential windows. Officers recognise that some disturbance is therefore likely and is a constraint of the site for continued light industrial use, which is not currently controlled by any planning conditions. Although the current site is underused and does not appear to cause any significant problems in terms of noise disturbance, there is no guarantee that a future light industrial occupier would be the same. Therefore, it is considered that the principle of the change of use may be justified by virtue of Criterion (1) of Local Plan Policy E2.
- 4.8 Given the low employment density, poor quality of the existing buildings and constraints imposed by the residential context, Officers consider that the proposed change of use to residential would not have a significant adverse impact on the borough's employment stock in either the short or long term. For these reasons, the application is considered to comply with Local Plan Policies E1 and E2.

#### Residential Land Use

- 4.9 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. 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 Plan Policy H1, Table 4.1.
- 4.10 The proposed development would contribute to a net addition of 9 residential units in the borough to meet an identified housing need and target. Therefore, the development would accord with London Plan Policy H1 and Local Plan Policy HO1.

## Housing Mix

- 4.11 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.12 The proposed development provides the following mix: 6 x 2 bedroom units, 2 x 3 bedroom units and 1 x 1 bedroom unit. As such, two family-sized units would be provided and this is considered to be a good mix of unit sizes and no objections would be raised in terms of Policy HO5, which seeks to ensure that development sites provide a mix of housing types and sizes, and it seeks to increase the proportion of family accommodation (those units with 3 or more bedrooms).

## 5. QUALITY OF ACCOMMODATION

- 5.1 London Plan Policy D6 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.

### Indoor and outdoor space standards

- 5.2 London Plan (2021) Policy D6 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures and sets out the minimum Gross Internal Areas (GIA) for new dwellings. All the proposed units would meet or exceed recommended minimum GIA as set out in London Plan Policy 3.1.
- 5.3 The proposals include the following unit sizes:
- Unit 1: 3-Bed/5-Person/1-Storey: 89.2sqm (complies, 86sqm min requirement)
  - Unit 2: 2-Bed/4-Person/1-Storey: 75.6sqm (complies, 70sqm min requirement)
  - Unit 3: 2-Bed/4-Person/2-Storey: 86.9sqm (complies, 79sqm min requirement)
  - Unit 4: 2-Bed/4-Person/2-Storey: 86.2sqm (complies, 79sqm min requirement)
  - Unit 5: 2-Bed/4-Person/2 Storey:83.6sqm (complies, 79sqm min requirement)
  - Unit 6: 2-Bed/4 Person/1 Storey: 79.2sqm (complies, 79sqm min requirement)
  - Unit 7: 1-Bed/2-Person/1 Storey: 62.2sqm (complies, 50sqm min requirement)
  - Unit 8: 3-Bed/6-Person/2 Storey:107sqm (complies, 102sqm min requirement)
  - Unit 9: 2-Bed/4-Person/2 Storey:95.4sqm (complies, 79sqm min requirement)
- 5.4 All the proposed units would meet and exceed their minimum GIA/floorspace requirement as set out in London Plan, the NDSS and Key Principle HS2 of the 'Planning Guidance' SPD. The development is also compliant with the Technical Housing Standards in terms of minimum room sizes, storage space and floor-to-ceiling heights.

- 5.5 In addition, all of the proposed units would have private outdoor amenity space of a size that exceeds the requirement of Standard 26 within the Housing SPG, which states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and width for all balconies and other private external spaces should be 1500mm and this would be achieved throughout the development.
- 5.6 For the proposed family-sized (3 bedroom) units, Key Principle HS1 states that each new dwelling should have access to amenity or garden space of no less than 36 sqm, and part of this should form private open space with direct access from the dwelling. In this case, Unit 1 (3b 5p) has a private garden of 30.2sqm at lower ground floor level, and Unit 8 (3b 6p) has a roof terrace of 22.5sqm at first floor level.
- 5.7 In addition to this, the communal courtyard would provide an additional communal amenity space, although it is accepted that this area is unlikely to be as intensively used as the private spaces. Considering the highly constrained and irregular shape of the site, the level of amenity space provision is, on balance, considered to be acceptable and no objections would be raised in terms of Key Principle HS1 on this basis.
- 5.8 Given the site constraints of this backland site, the proposed communal space and the proposed private amenity space provision is considered acceptable in this case.

#### Aspect and Outlook

- 5.9 Local Plan Policy HO11 states that new housing should be of a high standard and provide housing that will meet the needs of future occupants. London Plan policy D6 (2021) states that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating. The Council's preference is therefore for dwellings to be dual aspect. In this development, 8 of the 9 flats would be dual aspect. However, Unit 2 at lower ground floor level, would be single aspect. Nonetheless, this unit would be south-facing towards the communal courtyard with a high degree of glazing, which would provide a good degree of outlook and sense of openness for the bedrooms and living rooms and on balance this is considered to be acceptable in these circumstances.

## Daylight and Sunlight to habitable rooms

- 5.10 The submissions include a Daylight/Sunlight Report which includes an assessment of natural light for the proposed units. For the proposed units, in terms of daylight, the report concludes that the daylight assessment utilising the illuminance method shows that 100% of the 58 habitable rooms tested achieve the minimum target lux levels of 50% of the room's assessment area. Therefore, all rooms passed the BRE guidelines daylight assessment, demonstrating acceptable levels of daylight would be achieved. Similarly for sunlight, the test shows that all the living areas passed the sunlight exposure assessment, achieving sunlight levels that are well in excess of the suggested 1.5 hours of sunlight on the 21st March assessment date. Officers have reviewed the report and can find no reason to disagree with its conclusions.
- 5.11 Overall, the proposed development would include residential units with good levels of daylight and sunlight which would in turn provide acceptable living conditions to future occupiers.
- + Accessible and inclusive design
- 5.12 The London Plan Policy D7 states that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new dwellings should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e., designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This also replicated in Policy HO6 of the Local Plan.
- 5.13 In this case, none of the flats would provide level access from the communal courtyard and therefore would all fail to meet optional requirement M4(2) standards. Unit 1 would have a staircase that is designed to be adaptable for a stairlift in future and would therefore be wheelchair adaptable in accordance with optional requirement M4(3) standard.
- 5.14 Notably, supporting paragraph 3.7.7 of London Plan Policy D7 states that on developments of four storeys or less, the accessibility requirements may need to be applied flexibly. The need for flexibility also relates to small-scale infill developments in line with Policy H2 (small sites) of the London Plan. Due to site constraints, it is not feasible to provide level access to all the units on this constrained backland site.
- 5.15 The need to exercise flexibility with the accessibility requirements is considered to be especially relevant to this case. The height of the building is significantly constrained by the need to protect the residential amenities of adjoining properties, and this must be balanced against the need to maximise the development potential and number of units that can be accommodated on the site. To fit 9 units on site without increasing the height of the proposed building, the massing and layout of the development sees bottom two floors arranged as upper and lower ground floors. This solution also has the benefit of ensuring the lower ground floor units are not fully below ground, and therefore benefit from adequate daylight and sunlight, outlook, and general amenity. To create level access from the courtyard would require the lower units to become full basement units, and such an arrangement is unlikely to be acceptable in terms of the quality of accommodation

that could be provided.

- 5.16 It is also notable that the flat entrances are at least 25m from the public pavement and there would be no vehicle access. The existing shared access alleyway is ramped. Therefore, by virtue of the access constraints, the site is unlikely to be desirable or practical for those with mobility impairments or wheelchair users even if level access could be provided from the internal courtyard. On balance, it is considered that the circumstances of this particular site are exceptional, and would not reoccur frequently throughout the borough. Therefore, lack of compliance with the optional requirement M4(2) standard is not considered to be justification for refusal of the application in this instance. The minimum Building Regulations M4(1) standard would be required through the Building Regulations process.

#### Noise and Disturbance

- 5.17 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 application has been reviewed by the Council's Environmental Protection Team who raised no objections, subject to a condition to ensure the noise level between different rooms meet the noise standard specified in BS8233:2014. In this case, the arrangement of the flats within the development is not uniform, and would result in living/ dining/ kitchen areas being located above/ below/ adjacent to bedrooms within adjacent flats. This is addressed by means of a standard condition requiring enhanced sound insulation between the flats, and appropriate isolation of machines to prevent vibration transmission. Subject to these conditions no objections would be raised in terms of Local Plan (2018) Policy CC11 and Key Principle NN3.

#### Secured by Design

- 5.18 London Plan Policy D11 and Local Plan Policy DC1 both require new developments to respect the principles of Secured by Design (SBD) 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 Metropolitan Police - Crime Prevention Team have reviewed this application and suggested that the applicant is informed to contact them to commence the SBD accreditation process. Details of how the proposal will incorporate measures for crime prevention will be secured by condition.
- 5.19 In conclusion, the development is considered to be in accordance with the policies and standards set out in the London Plan (2021) Policies D6, D7 and D11 and the relevant baseline standards contained within the Mayor's Housing SPG, as well as Local Plan (2018) Policies DC1, DC2, HO4, HO6, HO11 and CC11.

#### Fire Safety

- 5.20 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.

- 5.21 Paragraph 3.12.2 of the London Plan 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 application is submitted with a Fire Safety Statement which includes a strategy for fire safety such as means of escape, sprinklers, mitigations for reducing a fire spread, inclusion of dry risers, hydrant location etc. A condition would be attached to ensure that the Fire Safety Strategy is adhered to in perpetuity. In either case, in accordance with legislation the development must accord with Building Regulation Approved Document Part B which relates to suitable and convenient means of escape. Officers, are satisfied that due consideration has been given to fire safety in line with London Plan Policy D12, Part A.
- 5.23 Overall, subject to condition, the proposals would accord with fire safety and Policy D12 of the London Plan.

## 6.0 DESIGN, CHARACTER AND APPEARANCE

- 6.1 The NPPF 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 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 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 of the Local Plan 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 Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest.

#### DEMOLITION AND DESIGN OF NEW BUILDING

- 6.6 The site is adjacent to the Melrose Conservation Area and therefore Local Plan Policy DC8 (Heritage and conservation) is also relevant. The Council will aim to protect, restore and enhance the quality, character and appearance of the borough's conservation areas. In this case, the main consideration would be the impact on the setting of those buildings within the conservation area (Nos. 3-15 Netherwood Road).
- 6.7 In addition, it is key to the assessment of this application that the decision-making process is based on the understanding of specific duties in relation to conservation areas required by the relevant legislation, particularly the Section 16, 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements of the NPPF. Section 72 of the above Act states in relation to conservation areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.8 Paragraph 201 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their effect on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (para 201 of the NPPF). Paragraph 208 of the NPPF states that 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

## Demolition of existing buildings

- 6.9 Almost all of the site is occupied by the existing garage building, which is a large double-height space under a series of pitched roofs supported on external brick walls. The site boundaries are defined by this external brick wall which acts as a boundary to the rear of the gardens of the houses surrounding the site. The proposal seeks to demolish most of the structure of the main garage building including the roof, but with the retention of the brick boundary walls.
- 6.10 The existing building is somewhat dilapidated and in a poor state of repair. Although the structure is relatively low in comparison to the 3-4 storey Victorian houses surrounding it, it is still considered to relate poorly to its context. Whilst the site is scarcely visible from any public viewing points (being seen only from the end of Netherwood Place), it is highly visible from surrounding residential properties. The development therefore represents an opportunity to significantly improve upon the current situation for residents, both visually and in terms of the impact on neighbouring properties.
- 6.11 For these reasons, subject to the replacement buildings being of acceptable quality, Officers would not raise any objections to the proposed demolition.

## Design of proposed new building

- 6.12 The proposal comprises a three-storey building (lower ground, upper ground and first floor level) arranged around the north, east and west site boundaries with the primary outlook from all units directed towards an internal courtyard. The flat roof of the new building would be lower than the ridge of the workshop's pitched roof, and its mass is largely confined to the envelope of the existing buildings. On some parts of the site, the development will be considerably less enclosing for surrounding properties than the existing buildings.
- 6.13 Public views of the new development would be extremely limited, however as noted above the development would be highly visible from surrounding properties on all three sides. The contemporary design and use of high quality materials (including yellow multi-stock brick, render, and standing seam metal roofs to complement the brickwork) would represent a significant improvement on the appearance of the existing buildings. Boundary walls will be retained, and this retention of historic fabric will help the proposed development to blend into its surroundings. The buildings would be set around an open courtyard, enhancing the sense of openness on what is a highly enclosed site. Views from the upper floors of the new properties would be down onto an attractive green sedum roof on the two-storey elements and the landscaping in the open courtyard would also contribute to the visual amenity of the site when viewed by neighbours.
- 6.14 Overall, it is considered that these works are of an appropriate height, scale, and massing and acceptable in terms of design and appearance. Subject to the recommended conditions, the proposed development would preserve and enhance the setting of the adjacent Melrose Conservation Area, in accordance with Paragraph 60 of the National Planning Policy Framework and the relevant policies contained within Chapter 7 of the London Plan (2016), Local Plan Policies DC1 and DC2, as well as s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Basement development

6.15 The proposal includes a new semi-basement/ lower ground floor level to be excavated partially beneath the current ground level. The proposed basement excavation would comply with Criteria A-L of Policy DC11 (Basements and Lightwells). In particular, it would not comprise more than one storey or extend beyond the footprint of the building above ground level, save for the courtyard gardens and lightwells at lower ground floor level, which are considered to be an integral part of the development. The Flood Risk Assessment (FRA) provided with the application confirms that structural waterproofing measures and active drainage devices would be incorporated into the new basement.

## 7.0 IMPACT ON NEIGHBOURS' LIVING CONDITIONS

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. The 'Planning Guidance' SPD Housing Key Principles HS6, HS7 and HS8 seek 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 site is bounded by the rear boundaries of residential dwellings to the north on Anley Road (Nos. 2-16) and to the south by residential dwellings on Netherwood Road (Nos. 17-27). The existing commercial building at 1 Netherwood Place, which borders the south-eastern corner of the site, is an office and boutique for a fashion wholesaler. On Shepherd's Bush Road to the east, the use of the neighbouring buildings are as follows:

- o No. 39 residential use on all floors, including lower ground
- o No. 41 and 43 hotel use
- o No. 45 hotel use
- o No. 47 hotel use

## Daylight and Sunlight

7.4 The submitted Daylight and Sunlight Assessment Report also assesses the impact of the proposed development on the light receivable to surrounding properties. The report has considered the impact of the development on the following properties: 2-18 Anley Road, 33-51 Shepherd's Bush Road and 17-31 Netherwood Road.

7.5 The results from these assessments demonstrate that the proposed development will have no noticeable effect on the neighbouring buildings or dwellings in terms of daylight and sunlight, with the impact on all windows fully complying with the targets set out in the BRE guide for the Vertical Sky Component Test. In many cases, the levels of daylight to surrounding properties would be improved and this is considered to be a material benefit of the scheme. The results are in line with what may be expected from the site inspection, given the height and bulk of the building would be largely contained within the envelope of the existing structure. On the elevations where the proposed building is slightly higher than the existing structure, it would neighbour Shepherd's Bush Road where the uses are hotels and therefore less sensitive to adverse impacts.

#### Outlook/Sense of Enclosure

7.6 For the same reasons, it is considered that outlook and sense of enclosure to neighbouring residential properties would not be adversely impacted, and in many cases would be improved, especially for the dwellings Netherwood Road where they would not back on to either an open courtyard. As it relates to the properties at 4-18 Anley Road, the new building would only slightly infringe the envelope of the existing building. The party wall to the Anley Road properties would be retained, and the bulk of the new storey would be recessed and raked away, so it would follow the angle and project only marginally above the line of the existing pitched roof to the workshop building. On those boundaries of the site where the building is higher than the current workshop building, the site adjoins hotels, and therefore any marginal loss of outlook or increased perception of enclosure is not considered to be a significant constraint in this regard.

#### Privacy

7.7 Key Principle HS7 criteria (iii) states that new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured by an arc of 60 degrees taken from the centre of the proposed new window. If this standard cannot be met, then windows should be designed to ensure no loss of privacy will occur.

7.8 The proposed buildings are all oriented towards the central courtyard and are at least 18 metres away from the rear windows of Netherwood Place. For the most part the proposed terraces and balconies are at lower ground floor level; for the one that is at first floor level (Unit 8), privacy screening would prevent loss of privacy for future occupiers (it is noted that this part of the site adjoins a hotel and the office building at 1 Netherwood Place).

#### Noise disturbance from terraces

7.9 Given the size, location, and relative distribution of amenity areas across the site, Officers consider that the development is not likely to give rise to significant noise disturbance for neighbouring properties, as a result of future occupants using these areas. Whilst the current business does not appear to cause any complaints in terms of noise disturbance, in general residential use would be more compatible and neighbourly than the range of potential Class B2 uses that could move onto this site. In the case of the largest amenity space, this would be at lower ground floor level, and the boundary walls of the site would help to contain noise. The

situation would also be no different to existing rear gardens, and this is a common scenario throughout the borough.

7.10 With regard to noise and disturbance from the construction phase, whilst this is not grounds to withhold planning permission, if the application were to be approved, Officers would recommend a condition requiring a Demolition Management Plan and Construction management plan to be submitted, to ensure that the amenities of local residents were protected as far as possible during the demolition phase, in accordance with Local Plan Policies CC11 and CC13 (Control of potentially polluting uses).

## 8. TRANSPORT

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 The application site has a PTAL rating of 6b, which indicates excellent access to public transport (Shepherd's Bush Underground Station, as well as bus routes on Shepherd's Bush Road). No off-street parking would be provided by the development. On Netherwood Road, there is an existing dropped kerb facilitating vehicular access to the site. This would remain and no additional street parking bays would be created. As such, to ensure the development does not result in an increase in on-street parking stress, and to promote sustainable and active modes of transport in accordance with Policy T3, it is recommended that the future occupants of all of the units are not eligible to apply for residents' street parking permits. This will be secured by a legal agreement to prevent parking permits eligibility within all of the borough's Controlled Parking Zones for all future residents of the proposed development, except those in possession of a blue badge for disabled parking. The application is therefore considered to be acceptable in this regard.

## Cycle Parking

- 8.7 Policy T1 of the Local Plan 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 specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:
- o 1 space per studio unit or 1-person, 1-bedroom dwelling
  - o 1.5 spaces per 2-person, 1-bedroom dwelling
  - o 2 spaces per all other dwellings.
- 8.8 Therefore, for this development, a minimum of 18 spaces must be provided and these are required to be safe, accessible and retained for the life of the development. The plans indicate one communal store towards the centre of the site, with space for 18 cycles and two short-stay cycle parking spaces will be provided within the courtyard area. A condition is recommended requiring further details regarding the type and dimensions of all spaces to be submitted, to ensure they meet West London Cycle Parking Guidelines (WestTrans) and to ensure full compliance with Local Plan Policy T3.

## Refuse, Recycling and Servicing

- 8.9 Similarly to the cycle parking provisions, the submitted drawings and Transport Statement cover the requirements for refuse and recycling storage and servicing arrangements
- 8.10 A bin storage area is to be provided within the central courtyard. A refuse collection point will be provided within 10 metres of the carriageway along Netherwood Road in accordance with Manual for Streets and LBHF waste guidance. Residents would transfer their bins to the collection point on collection day. Deliveries and servicing for the development are expected to be undertaken in the same way as the existing residential and retail units on Netherwood Road. Delivery and servicing vehicles will identify a permitted location for loading and transport any goods between that location and the site by foot. A condition is recommended requiring a detailed refuse management strategy to be submitted to

ensure compliance with Local Plan (2018) Policy CC7 and Key Principle WM4 and Appendix 5 of the Planning Guidance SPD.

- 8.11 To mitigate the impact of the development on local roads during demolition and construction, a condition requiring a Demolition and Construction Logistics Plan would also be recommended in accordance with Local Plan Policy T7 and Key Principle TR27.

## 9. ENVIRONMENTAL CONSIDERATIONS

### Tree Protection

- 9.1 Local Plan Policy OS5 states that the Council will seek to prevent the removal or mutilation of protected trees, making Tree Preservation Orders where necessary on the grounds of visual amenity. In this case, there are a few small trees in surrounding gardens and one significant tree; a large Sycamore tree in the rear garden of 19 Netherwood Road. This overhangs a proposed communal courtyard so would not be adversely affected by the proposed development. However, any excavation or alteration of surfaces within the tree's Root Protection Area should be carried out in accordance with BS5837:2012, and any pruning back of the tree's crown should be in accordance with BS3998:2010. A condition has been attached with regards to this. Subject to this condition, the Council's Arboricultural Officer is satisfied that the impact on the protected street tree could be satisfactorily managed so that the health of the tree is not adversely impacted, or lost, with resulting impact on the visual amenity of the conservation area, in accordance with Local Plan Policy OS5 (Greening the borough).

### Flood Risk and Sustainable Drainage (SuDs)

- 9.2 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.
- 9.3 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 surfacing should normally be resisted unless they can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 9.4 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.
- 9.5 This site is located in the Environment Agency's Flood Risk Zone 3. A Flood Risk Assessment (FRA) has been provided. This report confirms the inclusion of structural waterproofing measures and non-return valves, as well as additional flood resilience measures. These measures are considered to be adequate, and the FRA is subject to a condition.

- 9.6 In respect of sustainable drainage, consideration has been given in the FRA to potential surface water management proposals, in line with the requirement of Local Plan Policy CC4 to integrate sustainable drainage systems (SuDS) into new developments. Flood resilience measures are proposed for the new development, including sewer surcharge protection. Specific measures are also proposed to manage surface water to reduce this flood risk. The existing site is mostly occupied by the garage/auto centre building and largely impermeable currently with run-off being directed into the sewer network. The redevelopment of the site allows the introduction of permeable areas such as permeable paving. A condition is recommended requiring a finalised SUDS strategy, to ensure the strategy maximises the use of SuDS on the site and achieves greenfield rates for the final discharge of run-off where possible. An informative has also been attached advising that water-efficient appliances are used throughout the development.
- 9.7 Subject to the recommended conditions and informative, the proposed development is not considered to pose a flood risk and sustainable drainage matters will be adequately addressed. Therefore, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

#### Contaminated Land

- 9.8 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.
- 9.9 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. The Council's Contaminated Land Team have considered the proposals and raise no objections to subject to conditions. The proposals would accord with Policy CC9 of the Local Plan.

#### Air Quality

- 9.10 Policy CC10 of the Local Plan 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. A borough wide Air Quality Management Area is in place within the borough.
- 9.11 The Council's Environmental Quality (Air Quality) Team were consulted on this application and raised no objection, subject to conditions to secure Zero Emission Heating compliance and construction and demolition Air Quality Dust Management Plan.



- 9.12 The development site is within the borough-wide Air Quality Management Area (AQMA). The site is in an area of very poor air quality due to the road traffic vehicle emissions from Shepherd's Bush Road (A219). The development proposal will introduce new residential receptors into an area of poor air quality. As such, further mitigation measures will be required to make the development acceptable in accordance with Local Plan Policy CC10. Mitigation will be required in the form of additional ventilation for the proposed habitable rooms, i.e. bedrooms and living rooms. A condition has been attached requiring details of a mechanical ventilation strategy to be submitted. The fresh air intakes for the system should be located at roof level, and care will also need to be taken to locate the intakes away from any local sources of pollution such as boiler flues and kitchen vents.
- 9.13 After road transport, buildings are the second largest source of air pollution in London, emitting 44% of the total Nitrogen Dioxides, or about 2950 tonnes per year. Buildings are also the second largest anthropogenic source of Particulates after road transport, contributing 18% of London emissions through gas heating, large boilers and Industrial plant. Building emissions arise primarily from combustion to provide space and water heating and some industrial processes. Domestic sources, primarily water heating gas boiler exhausts, are distributed over wide areas, diluting their pollution. While commercial heating plant emissions can be intense, these are required to have tall chimneys and special abatement equipment, to minimise concentrations downwind and the chances of a plume reaching the ground. Thus, buildings do not tend to create pollution exceedance hotspots, but contribute substantially to the urban background pollution concentrations.
- 9.14 The demolition and construction works have the potential to create dust and air quality issues. These impacts should be assessed through an Air Quality Dust Management Plan (AQDMP) to be submitted, and appropriate air quality mitigation measures implemented for nearby residential receptors both on-site and off-site of the development. A condition has been attached with regards to this matter.

## 10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the development according to the figures provided in the applicant's mayor CIL form is estimated to be liable for a £4,160.00 + indexation payment. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3 (Community Infrastructure Levy).
- 10.2 The borough's own community infrastructure levy came into effect on 1st September 2015. The site is located in the 'Central B' charging zone. The rate for this zone for the creation of residential floorspace is £200/sq.m. The proposed development is estimated to be liable for a payment of £10,400 + indexation under the borough's CIL. This payment would go towards infrastructure projects and needs including health, education, community safety, leisure and parks, waste and street enforcement, community investment, economic development, libraries, environmental health, drainage and flooding, basic transport infrastructure and public realm improvement.

## 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 which are the 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 reasonably commensurate the scale and type of development proposed. 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 and impacts 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 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) Car Permit Free - To prohibit any occupiers of the 9 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
  - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to the footway and including the removal of the crossover on Netherwood Road;
  - 3) AQDMP Compliance monitoring of £3000 per annum of the demolition and construction phases of the development;
  - 4) Construction Monitoring obligation £3000 per annum;

5) Financial Contribution of £400,000 that will contribute to:

Public realm, environmental improvements and affordable housing.  
Economic development to support delivery of the Council's Industrial Strategy (or any successor to it), including to support employment, skills and local procurement activities;

6) A commitment to meet the costs of the Council's associated legal fees.

## 11. CONCLUSIONS

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 summary, Officers consider that the proposed development would be appropriate in terms of land use, design and scale, and that it would not cause demonstrable harm to the amenities of neighbouring residents. The proposals would contribute towards an identified housing need and local housing target on previously developed land and would make efficient use of this previously developed site, by optimising the residential element within a well-designed scheme that is in keeping with the character and appearance of the street scene and the surrounding area. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination and ecology have also been satisfactorily addressed and will be subject to conditions/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' (2018) and 'Climate Change' (2023) Supplementary Planning Documents.

11.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

11.4 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. RECOMMENDATION

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