

Ward: Parsons Green and Sandford

Site Address:

The Matrix Studios Complex 91A Peterborough Road London SW6 3BU



Reg. No:
2024/02343/VAR

Case Officer:
Ronny Ferley

Date valid:
26.09.2024

Conservation Area:
Hurlingham CA - No.4
Studdridge Street CA - No.7

Committee Date:
11.02.2025

Applicant:

Mr Duncan Thomson
Matrix Masion Rouge Ltd.
The Matrix Studios Complex
91A Peterborough Road
London
SW6 3BU

Description:

Variation of Condition 2 (Approved Plans) of planning permission Ref No. 2023/00291/FUL granted 28th June 2023 for the 'Erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes' amendments sought include:

- Increasing the size of the ground floor extension and alterations to southwestern (front) elevation to include installation of single set of French doors;
- Alterations to northwestern elevation to include infilling of part of courtyard;
- Installation of a new window, omission of selected rooflights and new zinc roofing above the roof of ground floor extension;
- Alterations to the first-floor extension to include reducing the size of the first floor level;
- Alterations to the design of the rooflights above the roof of first floor extension and associated external alterations.

Application type:

Section 73 Minor-Material Amendment Application

Officer Recommendation:

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

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

Conditions:

1) Amended Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the original planning permission, consent No.2023/00291/FUL dated 28 June 2023.

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

2) Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved drawing numbers and documents, other than where those details are altered pursuant to the conditions of this planning permission:

APL004 Rev A;
APL005 Rev A;
APL006 Rev A;
APL007 Rev A;
APL008 Rev A;
APL009 Rev A;
APL010 Rev A;
Flood Risk Assessment.

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, DC4 and DC8 of the Local Plan (2018).

3) Materials

No part of the structure above ground level shall be constructed until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

4) Restricted Use of Flat Roof

No part of the roof atop of the single storey extension shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

5) Flood Risk Assessment

Prior to commencement of development hereby permitted, a revised Sustainable Drainage Strategy (SuDS), which details of the proposed SuDS measures such as the green roof, green wall, permeable paving and permeable reinforced grass system along with maintenance information for each feature, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the green wall, which should aim to use rainwater collected and re-used on site for at-least part of the irrigation requirements. Information on the discharge rate of any surface water being directed in the combined sewer system should also be provided to demonstrate that discharges have been attenuated as much as possible.

The Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy S113 of the London Plan (2021) and Policy CC3 of the Local Plan (2018).

Justification for approving application:

1. Land Use: The proposed scheme would maintain the site in its existing employment use and enhance the facilities for the end-users. This is beneficial to further boost the capacity of the site for continued employment use, making it more attractive to businesses in the creative industries which form the majority of the current site's use. This is in line with the NPPF and London Plan objectives which encourage the intensification and co-location of light industries to improve land use efficiency and support the Council's strategy for employment land capacity. Therefore, the proposed development would comply with Policy E2 of the London Plan (2021) and Policies E1, E2 and CF3 of the Local Plan (2018).

2. Design, Character and Heritage: The proposed development proposes minor alterations to a previously approved scheme to extend and alter the design and appearance of the host building. The alterations are considered to represent a high-quality of design and would not result in any harm to the character, appearance or setting of any heritage assets, particularly the Hurlingham Conservation Area. rear. As such, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

3. 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 proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook and privacy. In these respects, the proposed scheme complies with the NPPF (2024), Policies DC1, DC4, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

That the applicant be informed as follows:

1. Potentially contaminative land uses (past or present) have been identified at, and/ or, near to this site. The applicant is advised to contact the Council should any unexpected materials or malodours be encountered during excavations.
2. The applicant should ensure that any soakaway system proposed for the site must be designed and constructed to comply with Building Regulation requirements in relation to drainage, with reference to Section 3 on Surface Water Drainage of Approved Document H. In particular, soakaways should not be located within 5 metres of a building or road. Approved Document H can be found online here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442889/BR_PDF_AD_H_2015.pdf
3. If the alterations include integration of new water using fixtures/fittings, then these should be water efficient ones to comply with the requirements of Local Plan Policies CC3 and CC4 (2018).
4. The applicant is advised that a simple Sustainable Urban Drainage System (SuDs) within the rear garden of the application property could contribute to minimising surface water run-off, which would further reduce the application site's flood risk. This could take the form of a water butt installed within the rear garden.

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

All Background Papers held by case officer named above:

Application form received: 18th September 2024

Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF, 2024)
The London Plan (2021)
LBHF - Local Plan (2018)
LBHF - 'Planning Guidance' Supplementary Planning Document
(2018)
LBHF - 'Climate Change' Supplementary Planning Document
(2023)

Consultation Comments:

Comments from:

None

Dated:

Neighbour Comments:

Letters from:

	Dated:
78 Clancarty Road London SW6	02.10.2024
72 Clancarty Road London SW6	09.10.2024
147 Studdridge Street London SW6	27.10.2024
145 Studdridge Street London SW6	28.10.2024
143 Studdridge Street London SW6	29.10.2024
145 Studdridge Street London SW6	30.10.2024
143 Studdridge Street London SW6	22.11.2024
143 Studdridge Street London SW6	22.11.2024
10 Quarrendon Street London SW6	22.11.2024
106 Hurlingham Road London SW6	22.11.2024
15 Quarrendon Street London SW6	22.11.2024
22 Quarrendon Street London SW6	22.11.2024
304 Wandsworth Bridge Road SW6	22.11.2024
34 Quarrendon Street London SW6	22.11.2024
43 Quarrendon Street London SW6	22.11.2024
48 Bradbourne Steet London SW6	22.11.2024

5 Quarrendon Street London SW6	22.11.2024
No Address Given (NAG)	22.11.2024
No Address Given (NAG)	22.11.2024
No Address Given (NAG)	22.11.2024
No Address Given (NAG)	22.11.2024
No Address Given (NAG)	22.11.2024
No Address Given (NAG)	22.11.2024
4 Quarrendon Street London SW6	25.11.2024
147 Studdridge Street London SW6	28.11.2024
147 Studdridge Street London SW6	28.11.2024

1. SITE DESCRIPTION AND HISTORY

- 1.1 The application site consists of the Matrix Studios complex, a large industrial type building (some 3,430sqm) comprising over 50 existing business within the creative industries sector. The main use on-site is as a premier recording studio and other uses include digital media production, physical and e-publishing agencies and artists' management teams.
- 1.2 The site is in a backland location that is surrounded by the rear of two and three storey terraced residential properties to the east along Peterborough Road, to the south on Studdridge Street and to the north facing Clancarty Road. Immediately to the east and southeast, is the Marie D'Orliac Fulham Bilingual School campus which includes No.60 Clancarty Road, the former Peterborough school keeper's cottage (Grade II Listed Building).
- 1.3 The site falls within the Hurlingham Conservation Area and shares its northern boundary with the southern extent of the Studdridge Street Conservation Area. The area has a Public Transport Accessibility Level 3 with average access to public transport links and it is part of a Controlled Parking Zone (Zone Q). It also falls within Flood Risk Zone 2 and 3 area with medium to high residual risk of flooding and forms part of a noise nuisance zone.

Planning History

- 1.4 In February 2024, the applicants withdrew a full planning application (Ref 2023/03312/FUL) for the erection of an additional floor level at roof level to create 957.46 sqm of new Class E(g)(1) floorspace; installation of new solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.

- 1.5 In 2023 planning permission (Ref: 2023/00291/FUL) was granted for the erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes. This permission has not been implemented.
- 1.6 In 2018 prior approval (Ref: 2018/00106/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into residential use (Class C3) comprising of 1no. two bedroom and 4no. three-bedroom self-contained maisonettes. This permission has not been implemented.
- 1.7 In 2015 prior approval (Ref: 2015/00681/PD56) was approved for the change of use of part of the ground and first floor levels from an Office use (Class B1) into 1no. two bedroom and 4no. three-bedroom self-contained maisonettes (Class C3). This permission has not been implemented.
- 1.8 In 1999 planning permission (Ref: 1999/01067/FUL) was granted for the removal of Condition 02 of planning permission (F/641/77) dated 18th May 1978 to allow the use of the premises for Class B1 purposes, together with the installation of windows at ground floor level and rooflights. This permission has been implemented.
- 1.9 In 1998 planning permission (Ref: 1997/02291/FUL) was refused for the change of use to a health club, including the provision within the building of 24 car parking spaces on the following grounds: loss of an employment site that is suitable for continued employment use and makes a valuable contribution to the range of employment in the Borough; an over provision of on-site car parking that would result in increased traffic generation and an unneighbourly impact to noise and disturbance, generated by additional vehicles and persons visiting. and at the weekends
- 1.10 In 1988 planning permission (Ref: 1987/02193/FUL) was granted for the installation of three condenser units to roof of existing building together with extension to cowl on ducting.
- 1.11 In 1987 planning permission (Ref: 1987/00478/FUL) was granted for the installation of condenser unit on roof at first floor level.
- 1.12 In 1981 planning permission (Ref: 1981/01181/FUL) was granted for the installation of boiler flue to north-west elevation.
- 1.13 In 1981 planning permission (Ref: 1981/00043/FUL) was refused for the retention of flue from boiler house due to its siting and design which result in a dominant and obtrusive structure which harms the surrounding visual amenities.

- 1.14 In 1979 planning permission (Ref: 1979/01654/FUL) was granted for the installation of new flue from adhesive spray booth on first floor.

Concurrent Pending Application

- 1.15 There is concurrent application (Ref 2024/02395/FUL) for the erection of an additional floor level at roof level to create 759 sqm of new Class E(g)(i) floorspace; installation of new solar panels and rooflights at roof level; erection of ground and first floor extensions; alterations to external facades to include the installation of new doors and windows; associated external changes.
- 1.16 This concurrent application (Ref: 2024/02395/FUL) involves the erection of an additional floor and various alterations whereas this application (Ref 2024/02343/VAR) only involves minor variations to the drawings previously approved and secured by condition.

Current Proposals

- 1.17 This applications seeks to vary the approved drawings (Condition 2) of the original 2023 permission (2023/00291/FUL) for the erection of ground and first floor extensions and alterations to external facades to allow amendments which include: increasing the footprint of the ground floor reception area (by approx. 3sqm) and reducing the footprint of the at first floor (by approx. 10sqm); the installation and omission of various doors and windows and a new zinc roof above the ground floor extension; alterations at first floor extension to reduce the size of the first floor footprint, the design of the rooflights and associated external alterations..

2. PUBLICITY AND CONSULTATION

Application Consultation

- 2.1 The application has been publicised by way of site and press notices. Individual notification letters were sent to the occupiers of 165 neighbouring properties. In response, objections were received from 21 properties. The grounds of objection can be summarised as follows:

- No demand for use (i.e. music recording, as it is all digital now)
- Intensification of commercial use
- Overdevelopment, inappropriate backland development
- Design out of keeping with scale, architecture and residential character
- Green roofs out of context
- Visibility harms Conservation Areas, important views and vistas
- Submitted drawings misleading and do not show the affected properties

- Unethical development sets unwanted precedent
- Overbearing/enclosure, loss of light, overlooking, light pollution and glare
- Noise, disturbance and nuisance during construction and operational use
- Construction will cause contamination including potential asbestos
- Additional pedestrian and vehicular traffic will increase parking and congestion
- Proposal would not improve access to the site
- Safety of neighbouring school children at risk (from traffic)
- Increased flood risk from surface runoff
- Proposal against clear air strategy and sustainability targets
- Lack of consideration for fire safety
- Heat generation, heat waves and reflection concerns
- Security risk to residents
- Inadequate developer consultation and engagement with neighbours
- Insufficient Council consultation with neighbours
- Residents objected to withdrawn application; this application should not have been submitted
- Party wall issues.

Officers Response

- 2.2 The material planning concerns relating to the use, design, scale, conservation area, impact on neighbouring property, traffic (including safety) and parking, contamination, flood risk, noise and ecology are considered in the relevant section of this report.
- 2.3 Regarding, the Council's consultation process, officers are satisfied that the application has been advertised in line with the statutory requirements contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015. Although, the applicants did not carry out any pre-application consultation with residents for the proposed changes to the original 2023 planning permission (Ref: 2023/00291/FUL); the proposed changes are considered modest when compared to the consented permission. In line with the Council's 'Statement of Community Involvement in Planning', the applicants carried out pre-application engagement with local residents for the concurrent application involving the additional floor and based on the responses, it appears that the objections are duplicated on both applications.
- 2.4 In respect of the submitted drawings, officers have reviewed the drawings and plans, and these are of sufficient details and accuracy for a planning assessment. In addition, as part of a robust planning assessment, officers have conducted site visits to review the site and its context in detail
- 2.5 Concerns about contamination were addressed in the consented 2023 planning permission. The Council's Contaminated Land Team raised no

objections to the proposals subject to an informative which acknowledged that potentially contaminative land uses (past or present) have been identified at, and/ or, near to this site and the applicant be advised to contact the Council should any unexpected materials or malodours be encountered during excavations.

- 2.6 Air quality impacts were considered on as part of the original 2023 planning permission and officers concluded that no air quality conditions were required at that time. Officers consider that the proposed changes to the previously approved scheme would not create any additional air quality issues. The Council's Air Quality officers have raised no objections to the proposals.
- 2.7 Regarding security for neighbouring properties, the proposed variation of the previously approved drawings does not constitute a "fundamental" change to the approved development (Ref: 2023/00291/FUL) which remains extant. However, an informative would be attached which makes clear that the Metropolitan Police have a preferred security standard for the manufacture of doors and windows which is known as Secured by Design (SBD). The informative encourages fitting SBD approved specification doors and windows to reduce the chances of burglary and therefore access to neighbouring properties.
- 2.8 Matters relating to asbestos, fire safety and construction noise are covered alternative legislation under building regulations and environmental health and protection. An informative would be attached to clarify permitted hours for building work, construction and demolition works (0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer). The informative will also require that neighbours be notified in writing of demolition/ building works at least 21 days prior to the start of any site works; contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works; best Practicable Means (BPM) should be used in controlling dust emissions, low vibration methods and silenced equipment and machinery and no waste materials should be burnt on site.
- 2.9 Party wall disputes a civil matter between the parties concerned which are covered by alternative provisions contained within the Party Wall Act.

3. 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 (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated December 2024) 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:
- land use;
 - design, character and heritage;
 - neighbouring amenity;
 - transport and highways and
 - environmental considerations.

4. PLANNING CONSIDERATIONS

Procedural Matters

- 4.1 The applicant seeks to make changes to the approved parent permission through the submission of an application made under Section 73 of the Town and Country Planning Act 1990 (As Amended). Applications made under Section 73 can only make minor material amendments by varying or removing conditions associated with an extant planning permission. In this case, the proposal is to vary Condition 2 (Approved Plans) of the parent permission to allow minor amendments to the drawings of the permitted scheme. Section 73 of the 'Act' can be used for, amongst other things, to approve minor amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a Section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.
- 4.2 When an application is made under Section 73, the Local Planning Authority considers only the conditions subject to which planning permission should be granted. The LPA can decide to:
- Grant permission subject to conditions differing from those previously imposed.
 - Grant permission unconditionally.
 - Refuse the application if they believe the original conditions should remain.

- 4.3 It is also worth noting that a successful Section 73 application results in a new, independent planning permission sitting alongside the original one. The applicant can then choose which permission to implement.
- 4.4 There is no statutory definition of what 'Minor Material Amendment' means, instead, local planning authorities are responsible for deciding, given the local context in each case. However, the government suggests that minor material amendments are likely to include any amendment where its scale and/or nature, results in a development which is not substantially different from the one which has been approved. Relevant case law on this matter indicates that the Section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development. However, it is important to note that Section 73 cannot be used to change the description of the development itself or to extend the time limit within which a development must commence.
- 4.5 This application does not seek to amend the description of development, which cannot be secured by way of an application under s73. However, it is still necessary to establish whether the proposed amendments can be dealt with through a s73 application. The test established by case law, is that amendments to a planning permission can be permitted via s73 where they do not constitute a "fundamental" change to the approved development.
- 4.6 In this case, the proposed amendments would result in a scheme which reduces the scale and massing of what was approved in the original parent permission granted in 2023. As such, it can be concluded that the amendments sought under this s73 application would not constitute a fundamental change to the extant consent. Officers are therefore satisfied that the amendments can be dealt with under s73 of the Act.

5. PLANNING ASSESSMENT

Land Use

- 5.1 Policy E2 (Providing suitable business space) of the London Plan states that boroughs should include policies in Local Development Plan Documents that support the provision, and where appropriate, protection of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.
- 5.2 Policy E1 of the Local Plan encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises. Additionally, Local Plan Policy E2 stipulates that the Council will require the retention of land and premises

capable of providing continued accommodation for employment or local services.

5.3 Local Plan Policy CF3 supports the enhancement of arts, culture, entertainment, leisure, recreation and sport uses by:

- a. supporting the continued presence of the borough's arts, culture, entertainment, leisure, recreation and sports venues subject to the local impact of venues being managed without added detriment to local residents;
- b. requiring proposals for new and expanded venues to be accessible and inclusive and to be supported by evidence of how impacts such as noise, traffic, parking and opening hours have been assessed, minimised and mitigated;
- c. seeking retention, replacement or enhancement of existing arts, culture, entertainment, leisure, recreation and sport uses, unless there is clear evidence that there is no longer an identified need for a particular facility or alternative community arts, culture, entertainment, leisure, recreation and sport uses.
- d. Supporting the temporary use of vacant buildings for community uses, including for performance and creative work.

5.4 The application site was established to provide recording and office accommodation (3,420 sqm) for the music industry. It is now home to over 50 businesses in the creative industries sector ranging from its core occupation as a recording studio to being the home to independent digital media production, physical and e-publishing agencies and artists' management teams.

5.5 The Council is currently working with local residents, businesses, arts and community organisations to agree a new Cultural Strategy. It will serve as a 10-year plan to help make the Borough an even better place to live, study, work and visit. The Cultural Strategy will reflect the Council's industrial strategy, 'Economic Growth for Everyone', which puts the creative industries at the centre of our vision for a prosperous future for all; it links to the Council's education priorities and helps stimulate our visitor economy.

5.6 The proposed development would provide a small amount of additional floorspace through modest extensions at ground and first floors in connection with the existing established use of the premises and the previous 2023 approval (Ref: 2023/00291/FUL) which fall within Class E (g) (i) & (iii), which includes any industrial use, which can be carried out in any residential area without detriment to the amenity of that area and office space. The applicant has refined the proposals to ensure they are better to able the implementation of the parent permission and

would therefore continue to retain and enhance the existing employment use of the site.

Conclusion on Land Use

- 5.7 The proposed development would not result in a significant intensification of use at the site, adding a moderate amount of additional floorspace that would not significantly change the extensions approved under the original permission in 2023 which remain extant.
- 5.8 Overall, the proposed development would comply with Policy E2 of the London Plan and Policies E1, E2 and CF3 of the Local Plan.

6. DESIGN, CHARACTER AND HERITAGE

- 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 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial, the proposed development should be considered in respect of para. 214 of the NPPF and if the harm is less than substantial, the development should be considered in respect of para. 215 of the NPPF.
- 6.3 There is a duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
- 6.4 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".

- 6.5 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.
- 6.6 Policy DC4 of the Local Plan states that the council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building;
- and
- subservient and should never dominate the parent building in bulk, scale, materials or design.
- 6.7 Local Plan 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. When determining applications affecting heritage assets, the Council will apply the following principles:
- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
 - b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
 - c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
 - d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the

heritage asset in accordance with paragraph 135 of the National Planning Policy Framework;

e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;

f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;

g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;

h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paras. 133 and 134 of the National Planning Policy Framework;

i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;

j. the proposal respects the principles of accessible and inclusive design;

k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;

l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and

m. securing the future of heritage assets at risk identified on Historic England's

national register, as part of a positive strategy for the historic environment.

- 6.8 The Council's 'Planning Guidance' Supplementary Planning Document (2018) is also relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets), AH2 (Protection of Heritage Assets), CAG1 (Land Use in Conservation Areas) and CAG2 (Urban Design in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.
- 6.9 The application site benefits from extant consent for the erection of extensions to the host property and alterations to its external appearance. At ground floor, the proposals involve increasing the footprint (by some 3sqm) and redesigning the form and appearance of the consented 1.5 storey-high reception area at the front of the site to a single storey height. The proposed footprint at first floor adjacent to Nos. 91-101 Peterborough Road would be reduced (by approx. 10 sqm) when compared to the consented scheme and redesigned to include a setback (of approx. 1m) and a reduced height (approx. 1m). These current proposals represent modest changes to the scale of the consented scheme along the western edge of the site, including reductions in the height and massing of alterations to the front of the site, alongside other minor changes to the detailed design, appearance, materials and detailing of the scheme, in comparison to the consented development.
- 6.10 Officers consider these changes to be acceptable and would enhance the design quality of the proposed development, (when compared to the extant approved scheme). Given the backland nature of the proposal site, it would have limited impacts upon the surrounding streetscene and character and appearance of the Hurlingham Conservation Area and the setting of the Studdridge Street Conservation Area. Furthermore, the proposals would not result in any adverse impact upon the setting of the Grade II listed, Fulham Bilingual School campus.
- 6.11 Overall, the scheme represents minor but notable improvements when considered alongside the extant planning permission for this site. The proposed development would not impact upon the character and appearance or setting of heritage assets including the Hurlingham Conservation Area. As such, the proposed development is considered acceptable with due regards to s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8.

7. RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC4, 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 and HS7 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 application site is bounded on three of its four sides residential terraces. The most affected properties are Nos 139-145 Studdridge Street to the north, Nos 91-101 Peterborough Road to west and Nos 80-82 Clancarty Road to the south.
- 7.4 As noted in the above section on Design, Character and Heritage, at ground floor the proposals involve increasing the footprint (by some 3sqm) and redesigning the form, massing and appearance of the consented 1.5 storey-high reception area at the front of site to single storey. The proposed footprint at first floor adjacent to Nos. 91-101 Peterborough Road would be reduced (by approx. 10 sqm) when compared to the consented scheme and redesigned to include a setback (1m) and a reduced height (1m).

Outlook and Sense of Enclosure

- 7.5 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.

Studdridge Street

- 7.6 The altered ground floor extension would run parallel with the rear party boundaries of Nos.139 to 145 Studdridge Street which include rear gardens that are about 7m deep. The proposed ground floor extension would be reduced by

half a storey in height compared to the consented scheme, to match the height of the existing boundary wall (approx. 2.7m). Notably, the existing building already breaches a notional 45-degree line from the ground level of those opposing gardens and the proposed alterations would cause no worsening to the existing situation and would improve outlook when compared to the consented scheme due to the lowering in scale.

- 7.7 The northern flank of the reduced first floor extension would be some 11m from the nearest properties in Studdridge Street; the reduced height and mass would improve the outlook to those properties when compared to the consented scheme. The proposed alterations would fall within a notional 45-degree line from the ground floor of those rear gardens and would improve the outlook when compared to the consented scheme.

Peterborough Road

- 7.8 At ground floor the changes to the consented scheme would be adjacent to No.91 Peterborough Road and would be situated some 15m from the rear of that property. Significantly, the proposed changes at ground floor include a reduced half storey height (maximum -1.7m) when compared to the consented scheme. This reduction in height would result in an improvement in terms of outlook from No.91 as measured from a notional 45 degree line from the ground floor.
- 7.9 The proposed first floor changes would include a 1m setback and a 1m reduction in height when compared to the consented scheme. The changes would result in an improvement in outlook from Nos. 91-101 Peterborough Road which would fall within the notional 45-degree lines set out in the SPD.

Clancarty Road

- 7.10 The proposed first floor extension would be adjacent to the rear garden of Nos.80-82 Clancarty Road, which has rear gardens of some 10m deep. The proposed first floor changes would include a 1m setback and a 1m reduction in height when compared to the consented scheme. The proposed first floor extension would not breach a notional line of 45-degrees from a 2m height above ground level. The proposals would fall within the limits of acceptability in terms of outlook.

Conclusion on Outlook and Sense of Enclosure

- 7.11 Overall, the changes include reduced heights and massing when compared with the consented scheme. The changes result in an improve sense of openness and improved outlook for neighbouring properties and accord with Key Principle HS6.

Daylight and Sunlight

- 7.12 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.
- 7.13 Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.14 The applicant has submitted a Daylight/Sunlight Report to assess the impact of the development on the natural light to surrounding properties. This report assesses the impact of the changes to the consented scheme.
- 7.15 The submitted report demonstrates that all the windows, rooms and gardens included within the assessment fully comply with the targets set out in the BRE guide. Significantly, as the changes to the consented scheme results in reduced overall heights, the proposals would have less impact and continue to fall within the limits of acceptability.
- 7.16 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The reduced height of the development when compared to the existing buildings, together with its set back and proposed distances from existing neighbouring houses would have no adverse impact on terms of daylight and sunlight.
- 7.17 Overall, the proposals would accord with Local Plan Policies HO11 and DC4.

Privacy

- 7.18 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.19 At first floor, no new windows are proposed and the design includes a windowless mansard slope opposite the nearest residential properties.
- 7.20 The proposed ground floor front extension would include windows that face Nos. 91-101, however the amount of glazing has been reduced when compared to the consented scheme. These windows would be some 15m from the nearest

property in the opposing terrace at Nos. 91-101 Peterborough Road and would be separated by a car park. With the exception of No.91 Peterborough Road, all these properties include boundary walls and fences that would prevent opportunities for additional overlooking. The proposed ground floor windows would not worsen the situation.

Conclusion on Privacy

- 7.21 Overall, none of the opposing residential properties would experience any loss of privacy as a result of the proposed development. The proposal therefore accords with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

Noise

- 7.22 The proposed variation of the consented scheme does not result in any "fundamental" change to the approved drawings in terms of noise impact. The Council's Environmental Protection Team raised no objection to the proposals. Matters relating to construction noise are covered by alternative legislation under building regulations and environmental health and protection. An informative would be attached to clarify permitted hours for building work, construction and demolition works (0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer). The informative will also require that neighbours be notified in writing of demolition/ building works at least 21 days prior to the start of any site works; contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works; best Practicable Means (BPM) should be used in controlling dust emissions, low vibration methods and silenced equipment and machinery and no waste materials should be burnt on site.

General Conclusion on Neighbouring Amenity

- 7.23 Overall, the proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Given the modest scale of the proposed changes to the consented development, it is not considered there would be any undue noise nuisance beyond the current level. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook and privacy. In this regard, the proposed development complies with Policies DC1, DC4, HO11, CC11, CC12 and CC13 of the Local Plan and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD.

7.24 The officer report relating to the consented scheme makes clear that the proposals approved in 2023 would respect the residential amenity of adjoining residential properties. While the proposed amendments would result in an increase in the size of the footprint at ground (3sqm) with a reduction at first floor (10sqm); overall the resulting extensions would be lower than those from the consented scheme. It is considered that the proposed development would remain compliant with policies and SPD Key Principles which have the aims and objectives of protecting neighbouring amenities.

8. TRANSPORT AND HIGHWAYS

8.1 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'. 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. The above policies are supported by Transport Key Principles of the 'Planning Guidance' SPD.

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

8.3 The Officer Report for the consented scheme makes clear that it is not considered that the development would result in an intensification of the use of site to warrant additional waste collection arrangements or highway measures such as additional cycle parking availability.

8.4 The current proposals have been considered by the Council's Highways officers and they consider that proposed changes are minor material amendments to the consented scheme. Highways conclude that it would be unreasonable to request any additional migration measures or impose new conditions and raise no objections to the proposals.

8.5 Overall, the development would accord with Local Plan Policy T1, T3, T4, T5 and T7.

9. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

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

- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable 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.
- 9.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 9.4 The site is within the Environment Agency's Flood Zone 2/3 indicating a medium to high risk of flooding from the Thames. The proposed scheme includes some alterations to the existing ground floor (although most of this has been already approved in the parent permission). However, the application site is well protected by flood defences such as the Thames Barrier and local river walls; hence, residual risks are low. As required, a Flood Risk Assessment is submitted with the application, and it sets out a range of mitigation measures that can provide protection in the unlikely event of the site being impacted by flood water.
- 9.5 The Council's Environmental Policy Team have been considered the proposals and conclude that the changes to the consented scheme would not create any additional issues that need re-assessing for flood risks and sustainable drainage (SuDS). Environmental Quality raise no objection subject to a condition regarding SuDS Strategy.

Ecology

- 9.6 Policy OS5 states that the Council will seek to enhance biodiversity and green infrastructure in the borough by:
- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;
 - b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;
 - c. seeking to prevent removal or mutilation of protected trees;
 - d. seeking retention of existing trees and provision of new trees on development sites; and
 - e. adding to the greening of streets and the public realm;
 - f. making Tree Preservation Orders where justified in the interests of amenity.

9.7 The applicant has claimed exemption from Biodiversity Net Gain as the proposal would not impact on a priority habitat of less than 25sqm, where the definition of impact is “if the development decreases the biodiversity value of that area”. The Council’s Ecology Officer has reviewed the application and confirmed that the site does meet the ‘de minimis’ exemption requirements in this instance; hence no further action is required to improve the biodiversity value of the site. However, officers note that the additional green roof areas are welcomed. As such, the proposals would accord with Policy OS5.

10. CONCLUSION

10.1 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.

10.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. It is considered that the proposal is acceptable in land use terms and the minor changes to the scale of the extensions approved in the parent permission. It is further considered that the amendments proposed would not result in a fundamental change to the extant permission and can therefore be dealt with under s73 of the Act.

10.3 The proposed amendments would not alter the conclusions reached in the assessment and subsequent granting of the extant parent permission. The site would continue to function and operate as an employment site and therefore beneficial to the local economy and there would be no additional harm to any nearby heritage asset and to neighbouring amenities as a result of this application. Officers support the proposed development in line with the recommendations at the start of this report.

11. RECOMMENDATION

11.1 The application is therefore recommended for approval, subject to conditions.