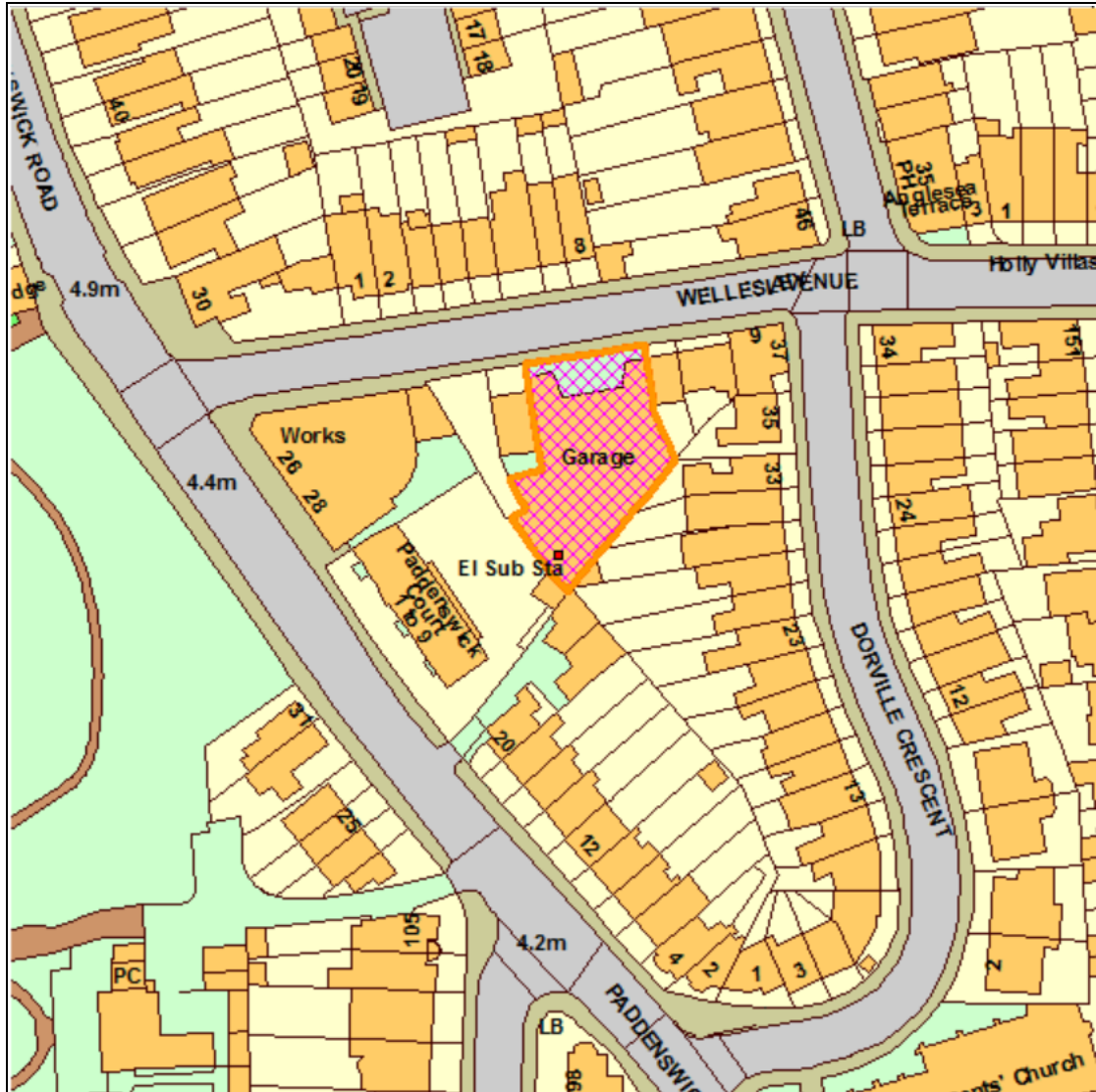


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**Ward:** Ravenscourt

**Site Address:**

12 Wellesley Avenue London W6 0UP



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

**Reg. No:**

2024/02699/FUL

**Case Officer:**

Anisa Aboud

**Date Valid:**

24.10.2024

**Conservation Area:**

Constraint Name: Ravenscourt And Starch Green  
Conservation Area - Number 8

**Committee Date:**

08.07.2025

**Applicant:**

Latifia Investments Ltd.  
C/O Agent

**Description:**

Demolition of existing car repair workshop (Class B2); erection of part one, part two and part three storey building comprising of ground, first and second floor levels in connection with the creation of 3no single family dwellinghouses (Class C3) to northern elevation of the site and erection of a single storey detached building to southern elevation of the site to use as a single family dwellinghouse (Class C3); reinstatement of public pavement by removal of vehicular crossover; removal of 1no substandard on street parking bay and formation of 4no replacement on street parking bays; associated landscaping.

Drg Nos: See Condition 2.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

**Conditions:**

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

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

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

630-90, 630-401D, 630-402D, 630-403E, 630-404E, 630-405C, 630-406B, 630-407, 630-408B, 630-409A, 630-410A, 630-411A, 630-412, 630-413A, 630-414A, 630-415, 630-416B, 630-420B, 630-421B, 630-422B,

Documents titled:

Arboricultural Impact Assessment Report prepared by AECOM dated March 31 2017, Daylight and Sunlight Impact Assessment prepared by Eight Versa dated 09/10/2024, Drainage Strategy Report prepared by Price & Myers dated September 2024 V.2, Energy Assessment prepared by Eight Versa dated 10/10/2024 V. 2, Flood Risk Assessment prepared by Price & Myers dated September 2024 V.2, Interior Daylight Analysis prepared by Eight Versa dated 09/10/2024 V.2, Sustainability Statement prepared by Eight Versa dated 11/10/2024, Transport Statement prepared by Mayer Brown dated September 2024, Whole Life Carbon Comparison Study prepared by Eight Versa dated 14/10/2024,

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) Prior to the commencement of the relevant part of the development (excluding demolition works), details of particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of the colour, composition and texture of the brick, concrete and metal work; details of all surface windows including window opening and glazing styles; balustrades or screening to balconies and roof terraces shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and preserve the character and appearance of the surrounding conservation areas and other heritage assets; and to protect the amenities of neighbouring occupiers in terms of overlooking and privacy, in accordance with Policies DC1, DC2, DC3, DC8 and HO11 of the Local Plan (2018) and guidance contained within the Planning Guidance Supplementary Planning Document (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 Ravenscourt and Starch Green conservation area, in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018).

- 5) 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, access route 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 and DC2 of the Local Plan (2018).

- 6) 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).

- 7) 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).

- 8) Prior to first occupation of the residential units hereby permitted, details of the refuse storage facilities for the refuse and recyclable materials, shall be provided for each of the residential units. All the refuse/recycling facilities shall be retained thereafter in accordance with the approved details.

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

- 9) 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 by Price & Myers Consulting (dated September 2024 Rev 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).

- 10) 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).

- 11) 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).

- 12) 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).

- 13) 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).

- 14) 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).

- 15) 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).

- 16) 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).

- 17) 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).

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

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

- 19) Prior to commencement of the development, details of anti-vibration measures



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

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

- 20) Prior to the commencement of the demolition phase (excluding installation of Solid timber hoarding and Dust Deposition Monitors around the perimeter of the site) of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'B' shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

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

- 21) Prior to the commencement of the construction phase (excluding installation of Solid timber hoarding and Dust Deposition Monitors around the perimeter of the site) of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'D' shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To ensure local air quality is not compromised during the demolition construction phase, in line with NPPF, Local Plan Policies CC10 and CC13 (2018) and the councils Air Quality Action Plan.

- 22) Prior to occupation of the development, details (including manufacturer specification, installation/commissioning certificates, gas supply/meter site clear certificate, and photographic confirmation) of the installed Air Source Heat Pumps (ASHP), Heat Battery Boiler, Electric Boiler or alternative electrical only heating systems to be provided for space heating and hot water for the four self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan, Policy CC10 of the Local Plan (2018) and the councils Air Quality Action Plan

23) 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 four 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-3, Particulate (PM<sub>10</sub>) -15 ug/m-3 and Particulate (PM<sub>2.5</sub>) - 5 ug/m-3 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.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan, Policy CC10 of the Local Plan (2018) and the councils Air Quality Action Plan

24) 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 25 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.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan, Policy CC10 of the Local Plan (2018) and the councils Air Quality Action Plan

- 25) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stove in the kitchens of the four self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy CC10 of the Local Plan (2018) and the councils Air Quality Action Plan

- 26) The development hereby approved shall use temporary solid timber hoarded fencing (minimum height 2.5 metres) around the perimeter of the site on all site boundaries and/or enclosure of the site. The temporary solid timber hoarded fencing and/or enclosure in accordance with BS 5975-2:2024 shall be installed prior to the start of any demolition/site clearance works (except that required in the location of the proposed hoarding, prior to installation of the hoarding) and thereafter be retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of commercial advertisement hoardings unless the relevant advertisement consent is sought from the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

To ensure local air quality is not compromised during the demolition and construction phases of the development in accordance with NPPF, Local Plan Policies CC10 and CC13 (2018) and the councils Air Quality Action Plan

- 27) Prior to the occupation of the development hereby permitted, the side facing window on Unit 1 as depicted on drawing no. 630 / 416B shall be fitted with frosted glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

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

- 28) The development hereby approved shall be carried out in accordance with the approved Arboricultural Impact Assessment Report prepared by AECOM dated March 31 2017. All trees adjoining the development site shall be protected from damage in accordance with BS5837:2012. No construction shall take place until any such trees are adequately protected as per BS5837:2012. Tree protection measures shall be carried out in full for the duration of the construction works.

To ensure that trees are suitably protected and to prevent harm during the course of construction, in accordance with Policies DC1, DC8, OS2 and OS5 of the Local

Plan (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 four additional units of housing and would make efficient use of land by optimising residential use on this brownfield 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 and heritage: The proposed development is considered to represent a good quality of design which optimises the capacity of a previously developed land. However, given the increased scale of the proposals within the local context, it is considered that the second floor of development, would result in some harm to the Ravenscourt and Starch Green conservation area, and whilst the development would result in some heritage benefits, these are not considered to outweigh this harm. The proposed scheme would accord with the overarching ambition of design-based policies of the NPPF (2024), London Plan (2021) Policy D3 and D5, and Local Plan (2018) Policies DC1 and DC2. Notwithstanding this, the development would fail to preserve the character and appearance of the conservation areas and would not accord with section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990, and Local Plan policy DC8; it is however considered that the other public benefits of the scheme would outweigh this harm in accordance with paragraph 215 of the NPPF.
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; the reduction in vehicle trips compared to the existing lawful use of the site (Class B2) is a material consideration which weighs

in favour of allowing the homes to benefit from one CPZ permit per property. On the balance of site-specific factors relevant to the determination of this application, the proposal is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking. Adequate provision for the storage and collection of refuse and recyclables would be provided. The proposed development therefore accords with the NPPF (2024), 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: 23rd October 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

### **Consultation Comments:**

#### **Comments from:**

Crime Prevention Design Advisor - Hammersmith  
Thames Water - Development Control

#### **Dated:**

08.11.24  
29.10.24

### **Neighbour Comments:**

#### **Letters from:**

1 Holly Villas Wellesley Avenue London W6 0UW  
11 Wellesley Avenue London W6 0UP  
46 Wingate Road London W6 0UR  
127 DALLING ROAD LONDON W6 0ET

#### **Dated:**

28.11.24  
19.04.25  
27.11.24  
21.11.24

12 Wellesley Avenue London W6 0UP	27.11.24
12 Wellesley Avenue London W6 0UP	10.03.25
46 Wingate Road LONDON W6 0UR	27.11.24
10 Wellesley Avenue London W6 0UP	22.04.25
2 Brackenbury Gardens London W6 0BP	09.11.24
29 Dorville Crescent London W6 0HH	25.11.24
14 Wellesley Avenue Hammersmith W6 0UP	25.11.24
33 Dorville Crescent London W6 0HH	25.11.24
4 Wellesley Avenue London W6 0UP	15.04.25
27-28 Eastcastle Street London W1W 8DH	26.11.24
29 Dorville Crescent London W6 0HH	26.11.24
111 Brackenbury Road London W6 0BQ	25.11.24
139 Dalling Road London W6 0ET	24.11.24
Ground Floor Flat 33 Dorville Crescent London W60HH	26.11.24
Ground Floor Flat 33 Dorville Crescent London W60HH	26.11.24
Ground Floor Flat 33 Dorville Crescent London W60HH	26.11.24
No Address Given	25.11.24
33 Dorville Crescent London W6 0HH	18.11.24
33 Dorville Crescent London W6 0HH	22.11.24
33 Dorville Crescent London W6 0HH	22.11.24
4 Wingate Road London W6 0UR	11.04.25
Delhi, Church Lane, Waltham, Waltham Waltham, Canterbury CT4 5SQ	19.04.25
11 Wellesley Avenue London W6 0UP	19.04.25
29 Dorville Crescent London W6 0HH	26.11.24

## OFFICER'S REPORT

### 1.0 BACKGROUND

- 1.1 The application site comprises a large industrial building, formerly in use as a car repair garage, with a hard-surfaced forecourt in front (use class B2). The building is single storey but has a substantial pitched roof with a maximum height of approximately 8 metres at the ridge. Smaller-scale residential properties adjoin the site on all sides and on the opposite side of Wellesley Avenue.
- 1.2 The whole of the building had been occupied by a company who maintained Aston Martin cars, and their lease ran out in August 2017. Car repairs and associated testing were carried out in the building, and there was a subsidiary office element in the front. The whole of the forecourt area was used for the parking of cars, with occasional testing in the open air.
- 1.3 The site is located within the Ravenscourt and Starch Green Conservation Area. The site itself is neither statutorily nor locally listed, nor does it lie within the immediate vicinity of any other designated heritage assets. However, the site is located approximately 80m away from Ravenscourt Park.
- 1.4 The site falls within the Environment Agency's Flood Zones 2 and 3. The site has a Public Transport Accessibility Level (PTAL) of 4, indicating that it is relatively well accessible by means of public transport. Ravenscourt Park Underground Station lies approx. 0.5km to the south of the site. There are also a number of bus stops

within comfortable walking distance of the site on Paddenswick Road and Goldhawk Road.

- 1.5 This application seeks permission for demolition of existing car repair workshop (Class B2); erection of part one, part two and part three storey building comprising of ground, first and second floor levels in connection with the creation of 3no single family dwellinghouses (Class C3) to northern elevation of the site and erection of a single storey detached building to southern elevation of the site to use as a single family dwellinghouse (Class C3); reinstatement of public pavement by removal of vehicular crossover; removal of 1no substandard on street parking bay and formation of 4no replacement on street parking bays; associated landscaping.

#### 1.6 Relevant Planning history

##### **12 Wellesley Avenue**

The planning history for the site includes a granted certificate of lawfulness for change of use of the existing building to offices (Ref. 2015/02949/CLP). The change of use was never implemented.

##### **14 Wellesley Avenue**

Furthermore, the adjacent site at 14 Wellesley Avenue, was granted consent in 2015, with the following description of development: Demolition of existing two storey dwelling house and erection of a three storey plus basement 4 bedroom dwelling house with front and rear lightwells, including the creation of a rear balcony at first floor level. (Ref: 2014/05904/FUL).

Several pre-commencement conditions have been discharged in relation to this site, and the existing building has been demolished.

##### **12 and 14 Wellesley Avenue**

In 2017, the council refused permission for redevelopment of the site, comprising demolition of the existing car repair workshop and the existing house at 14 Wellesley Avenue, which the applicant also owned, and erection of new three storey office building with basement at 12 Wellesley Avenue and a linked mixed-use office and residential building at 14 Wellesley Avenue to provide office space at basement and ground levels and a 3-bedroom residential unit above (Ref. 2017/02065/FUL, referred to as 'the 2017 application'). The application was refused by the council at Planning and Development Control Committee on 8th November 2017, in accordance with the Officer's recommendations. Seven reasons for refusal were given, as follows:

- 1) The proposed development is considered to be unacceptable by reason of its scale, design, and appearance. The design and scale with its overly dominant top floor, and detailed design which includes its large brick "goal post" frame and the low front boundary wall fails to relate satisfactorily to or integrate sensitively with the surrounding buildings which have a finer grain domestic scale. The office development of approximately 2000sq.m would bring a level of commercial activity and scale inappropriate to the character of

this part of the conservation area. The proposed development would result in harm to the character and appearance of the Conservation Area, which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the proposal also fails to adhere to the principles of good neighbourliness. The proposal is therefore considered to be contrary to policies BE1 of the Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (2013), and Design Policies 30, 44, 46 and 48 of the Planning Guidance SPD (2013) and contrary to the National Planning Policy Framework (2012) paragraph 132.

- 2) The proposed basement by virtue of its size and extending beyond the footprint of the building would result in an overdevelopment of the garden areas and would result in long term harm being caused to the green appearance of the borough and biodiversity, which in turn would have a detrimental impact on character and appearance of the conservation area. The proposed development is contrary Development Management Local Plan (2013) policies DM A8, DM E4 and DM G7, and Planning Guidance SPD Sustainability policies 14, 21 and 22, and SPD Design Policy 56.
- 3) The proposal is considered to be unacceptable in the interests of residential amenity. More particularly, the proposed development, by virtue of its height, scale, and bulk and close proximity to neighbouring residential properties on Dorville Crescent, Wellesley Avenue and Paddenswick Court would result in an overbearing and dominating effect causing undue loss of outlook and increased sense of enclosure to the occupiers of these properties. Accordingly, the proposal would constitute an inappropriate and unneighbourly form of development and in this respect is contrary to Policies DM G1 and DM A9 of the Development Management Local Plan (2013), and SPD Housing Policy 8 criteria (i) of the Planning Guidance Supplementary Planning Document (2013).
- 4) The proposed new windows at first and second floor level on the south-eastern elevation, by virtue of their elevated position and close proximity to the neighbouring residential properties together with a lack of sufficient screening, would constitute an inappropriate and unneighbourly form of development that would be harmful to the existing amenities of the occupiers of those properties, as a result of overlooking and loss of privacy. In this respect the proposal is contrary to Policy DM G3 of the Development Management Local Plan (2013), and SPD Housing Policy 8 (ii) of the Planning Guidance Supplementary Planning Document (2013).
- 5) The proposal is considered to be unacceptable on the grounds of residential amenity. Officers consider that there is considerable potential for noise and disturbance from staff and visitors entering and leaving the site throughout the day, given the excessive size of the Class B1 office. The proximity to existing and proposed residential properties would exacerbate this conflict. Concerns are also raised regarding the lack of information submitted regarding opening hours, and how servicing activities associated with office development would be managed to mitigate harm to these residential properties. In the absence of this information, it is considered that the proposed office use would cause unacceptable harm to existing and future



occupiers of the site / neighbouring properties by reason of additional noise disturbance and general nuisance resulting from activities from the B1 use, to the detriment of the amenities of residents. In this respect the proposal is considered to be contrary to Development Management Local Plan (2013) policies, DM H9, DM H11 and Core Strategy (2011) policy CC4.

- 6) The proposal fails to properly assess the feasibility of preferred sustainable drainage measures as set out in the London Plan Drainage Hierarchy. In particular, the current proposals have not sufficiently assessed rainwater harvesting and living roof options or other above-ground storage/infiltration techniques. This would be exacerbated by virtue of the size and scale of the proposed basement which extends beyond the footprint of the building, resulting in overdevelopment of the site, which would further limit the potential for sustainable urban drainage. In this respect the proposals fail to accord with Policy 5.13 of the London Plan (as amended in 2016), Policies CC2 and CC4 of the Core Strategy (2011), and Policy DM H3 of the Development Management Local Plan (2013).
- 7) The proposed development is considered to be unacceptable in the interests of visual amenity and biodiversity. The development will have a harmful effect on neighbouring trees as some will need to be cut back or removed to allow the development to be constructed and others will be subject to post development pressure to prune their crowns and restrict their growth. Furthermore, the Tree Survey Report refers to the removal of T8 and T9 yet these are likely to offer significant visual amenity to the neighbours. The loss of these trees would result in harm to the character and appearance of the conservation area, and loss of biodiversity, contrary to policies BE1 of the Core Strategy, Development Management Local Plan (2013) policies DM G7 and DM E4, and Design Policy 56 and Sustainability policies 14, 21 and 22 of the Planning Guidance SPD (2013).

The refused 2017 application was subject to an appeal which was dismissed by the Inspector following a local Hearing held on 12th February 2018 (appeal Ref. APP/H5390/W/18/3200901). Briefly, the appeal was dismissed because the Planning Inspector found that harm would be caused to neighbours' living conditions and to the character and appearance of the conservation area (due to the second-floor element) and that provision of SuDS would not be satisfactory.

In January 2020 the council refused another application (Ref. 2019/03018/FUL), referred to as 'the 2019 application') for a development that was similar to the one above, although changed in some respects (including further reduction of the size of the second floor, further reduction in the size of the first floor, and the introduction of a 1-metre-high brick boundary wall to the front). This application was also refused by Officers under delegated powers, for four reasons:

- 1) The proposed development is considered to be unacceptable by reason of its scale, design, and appearance. The height, design, scale and bulk of the top floor fails to relate satisfactorily to or integrate sensitively with the surrounding buildings which have a finer grain domestic scale and lower height. The proposed development would result in harm to the character and appearance of the Conservation Area, which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990. Furthermore, the proposal also fails to adhere to the principles of good neighbourliness. The proposal is therefore considered to be contrary to Policies 7.6 and 7.8 of the London Plan (2016) and Local Plan (2018) Policies DC1, DC2 and DC8 of the Local Plan (2018) and Key Principle CAG2 of the Planning Guidance Supplementary Planning Document (2018).

2) Officers consider that there is considerable potential for the proposed development to result in a significantly increased number of vehicle trips, which has not been properly assessed by way of an up-to-date and robust Transport Statement. In the absence of this information, it is considered that the proposed office use, most especially in terms of trips generated by staff, visitors, delivery and servicing vehicles, has the potential to cause unacceptable harm to the local highway networks and the amenities of neighbouring properties through increased vehicle movements and resultant traffic congestion, parking stress and noise disturbance. In this respect the proposals fail to comply with Policies T1, T2, CC11 and CC13 of the Local Plan (2018).

3) The proposed new windows at second floor level on the south-eastern elevation, by virtue of their elevated position and close proximity to the neighbouring residential properties together with a lack of sufficient screening, would constitute an inappropriate and unneighbourly form of development that would be harmful to the existing amenities of the occupiers of those properties, as a result of overlooking and loss of privacy. In this respect the proposal is contrary to Policies DC2 and HO11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

4) The proposal fails to properly assess the feasibility of preferred sustainable drainage measures as set out in the London Plan Drainage Hierarchy. In particular, the current proposals have not sufficiently assessed rainwater harvesting and living roof options or other above-ground storage/infiltration techniques. In this respect the proposals fail to accord with Policy 5.13 of the London Plan (2016) and Policy CC4 of the Local Plan (2018).

An appeal was subsequently lodged and dismissed by the Inspector following a local Hearing held on 9th December 2020 (appeal Ref. APP/H5390/W/20/3251291). (The reason for refusal regarding sustainable drainage was resolved part-way through the appeal process and was not contested at the Hearing.) Some of the key points arising from the Inspector's decision were:

- While a three-storey building may be acceptable in principle, the height and position of the proposed section floor would appear incongruous in the street scene and would result in the whole building appearing to have a significantly larger massing than the neighbouring properties when viewed from street level. The Inspector concluded that for this reason the proposal would harmfully alter the small-scale character of Wellesley Avenue and the conservation area. The inspector concluded that this harm would be less than substantial harm. This was the Inspector's reason for dismissing the appeal.

- The overall number of vehicle movements would be likely to be less than that potentially generated by the existing B2 use. There would not be an unacceptable impact on highway traffic, parking, or the levels of noise and pollution along Wellesley Avenue.
- The proposed development would not unreasonably harm the living conditions of neighbouring occupiers with particular regard for privacy. Given the height of the first-floor windows along the south east elevation and the distance to the centre of the office floor plan, there would not be undue overlooking to the rear of the properties of Nos. 29 to 35 Dorville Crescent.
- No. 14 is a cleared site previously occupied by a small house. The house was demolished in order to implement the extant planning permission. The proposed building at No. 14 would be similar in scale and form to that already approved within the extant planning permission, and no objections are raised by the Council. Given the relevant fall-back position of the extant planning permission, I see no reason to disagree with this view.

More recently, application reference 2021/00773/FUL for Demolition of existing car repair workshop (Class B2) and erection of a two storey office building (Class E) with basement, associated alterations to the existing garage forecourt, including erection of a boundary wall was refused on 22 October 2021. The reason for refusal related to "The development fails to provide on-site provision of affordable workspace and the proposed financial contribution, in lieu of on-site provision, is considered to be unacceptable. Financial contributions in lieu of on-site provision will only be accepted in exceptional circumstances and no evidence had been presented to demonstrate, amongst other things, that it would not be practical or viable in this instance. Therefore, the proposal was considered to be unacceptable and contrary to London Plan (2021) policies E2 and E3 and Local Plan (2018) policy E1."

An appeal was subsequently lodged (APP/H5390/W/21/3288332). The Appeal was dismissed by the Inspector due to lack of a satisfactory Unilateral Undertaking. A High Court decision subsequently quashed this appeal decision and the Appeal was sent back to the Inspector for redetermination. The Planning Inspectorate granted permission in August 2023. This forms a material consideration in the assessment of this planning permission and is effectively the 'fall-back' position.

## **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 265 surrounding properties. A total of 18 objections were received from 10 separate addresses and 5 letters of support. The reasons for the objection comments can be summarised as follows:

- lack of clarity on the scale of the development;
- Privacy from side facing windows and rear windows resulting in additional overlooking;

- Noise disturbance as a result of the new residential use;
- Light pollution at night from additional windows;
- Impact of demolition and construction;
- Increase traffic and safety concern regarding nearby school;
- Design of development not in keeping with surrounding conservation area;

2.2 The planning issues raised above will be addressed in the report below. Officer comment: Concerns about environmental health and protection legislations; however, where appropriate planning conditions can be used to request some mitigation measures.

2.3 Brackenbury Resident's Association (BRA) initially objected to the scheme raising the following concerns (24/11/24):

- Height of the street frontage: the building is too big for the street: the levels of both the front parapet and the mansard roof are out of scale with the surrounding streetscape;
- Concerns regarding the contemporary style;
- Increased overlooking and loss of privacy to 29, 31, 33 & 36 Dorville Crescent, and 11 Wellesley Avenue;
- Planning conditions should forbid recreational use of the flat roofs to No.1 and No. 3;
- Parking: we support the applicant's request for a resident's parking permit for each property. The development of the site will allow the existing footway crossover to be removed, making way for additional kerbside parking spaces, and so ensuring the street parking pressure would remain unchanged by the additional permits;
- Conclusion: Over the last seven years the local residents have played a major role in consultations concerning the development of this site. The community was united in its opposition to the earlier applications for office use, proposals which were wholly alien to this traditional and intimate street, and we welcome the change to residential use, and look forward to the removal of the garage shed and the reinstatement of our street.

2.4 Following this initial letter, the BRA provided a 2nd set of comments were received (17/12/24): "Our comments have since been discussed further with the applicant's team, and we now attach our revised observations in place of our earlier email. We would support approval of the proposals subject to resolution of the points we set out in our attached email"

- We have no objection to the application scheme in principle: we welcome the change to residential use, and we would support the applicant's request for a resident's parking permit for each property. The scheme is a significant improvement on its predecessors.
- There are issues which have been raised by the residents during the consultation discussions and remain unresolved, including:
  - (i) the rear of the development directly adjoins the gardens of eight existing houses, and issues of privacy and overlooking need to be better resolved. We would request LBHF give this careful consideration.
  - (ii) the development frontage should sit comfortably in the streetscape of Wellesley Avenue, and we request LBHF to consider how the proposals

might respond more effectively to the important guidance of Conservation Area policy. We note that the applicant has agreed to reduce the height of the roof on the front elevation to the level proposed in earlier design discussions.

- 2.5 Following receipt of revised drawings a reconsultation was carried out and 1 objection was received raising concerns regarding the proposal altering the character of the quiet residential road and traffic and highways safety concerns. 3 letters of support.
- 2.6 The BRA provided comments following the reconsultation raising the following points (10/03/25):
- The residential scheme, with on-street parking provision, would cause substantially fewer vehicle movements than the commercial scheme which is likely to proceed if the residential proposal proves unviable, and also it would cause fewer vehicle movements than were associated with the former garage use of the site, all as confirmed in the application Transport statement.
  - Wellesley Avenue is one of Brackenbury's best streets, watched over and maintained by a strong resident community. The local residents and Brackenbury Residents Associations have worked ceaselessly to bring about the best resolution for the development of this pivotal site in the street. The residential scheme proposed would not only contribute to the eclectic mix which creates the quirky appeal of Wellesley Avenue, but it would also save the street from the disaster of the office scheme which would be likely to proceed in its place.
  - We would ask that this application is approved.

External consultation responses:

- 2.7 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.

- 2.8 Crime Prevention - no comments to make.

- 2.9 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 (2024)**

- 3.4 The National Planning Policy Framework - NPPF (as updated 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, 2024), 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:

- The principle of the development in land use terms;
- Quality of Accommodation;
- The impact of the development on the character appearance of the Ravenscourt And Starch Green Conservation Area;
- The impact of the development on neighbours' living conditions;
- Transport and highways;
- Environmental considerations and
- 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 seeks planning permission for the demolition of the existing vehicle repair workshop (Class B2) and its re-development to provide four residential dwellings (Class C3). The proposals would therefore result in the loss of approx. 573 sqm of employment floorspace.
- 4.5 Officer's acknowledge that there are significant concerns about whether it would be possible to upgrade the premises to make them suitable for a new Class B2 (general industrial) use in future and the location of the site means that planning permission would most likely not be granted for an industrial use today. The site is enclosed on all sides by residential properties and sits very close to residential windows. Officers recognise that some disturbance is therefore likely and is a constraint of the site for continued B2 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 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 subject to other material considerations.
- 4.6 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 residential led redevelopment could be supported in this location in line with Local Plan Policies E1 and E2.

## **HOUSING PROVISION**

- 4.7 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.
- 4.8 The proposed development would contribute to a net addition of 4 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

- 4.9 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.10 The proposed development provides the following mix: 1 x 2 bedroom unit, 1 x 4 bedroom unit and 2 x 6 bedroom units. As such, three family-sized units would be provided and this is considered to be a good mix of unit sizes in this location 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: 4-Bed/8-Person/8-Storey: 175sqm (complies, 124sqm min requirement)

Unit 2: 6-Bed/8-Person/2-Storey: 230sqm (complies, 132sqm min requirement)

Unit 3: 6-Bed/8-Person/2 Storey: 227sqm (complies, 132sqm min requirement)

Unit 4: 2-Bed/4-Person/2 Storey: 147sqm (complies, 79sqm min requirement)

5.4 All the proposed units would meet and considerably 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.

5.6 For the proposed family-sized (3 bedroom or greater) 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 (4b 8p) has a private garden of 36 sqm at the rear and front garden space of 17 sqm.
- Unit 2 (6b 8p) has a rear garden space of 62.5 sqm and front garden space of 17 sqm.
- Unit 3 (6b 8p) has a rear garden space of 43 sqm and front garden space of 17 sqm.
- Unit 4 (2b 4p) would have a rear garden space of 40.4 sqm and front garden space of 38 sqm.

### Aspect and Outlook

5.7 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, all of the houses would be dual aspect.

### Daylight and Sunlight to habitable rooms

- 5.8 The submissions include a Daylight/Sunlight Report which includes an assessment of natural light for the proposed units. 100% of the rooms meet the median daylight factor recommendations. 100% of the dwellings have at least one room that can receive a total of at least 1.5 hours of sunlight on 21st March.
- 5.9 To summarise, all internal 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.
- 5.10 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

- 5.11 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.
- 5.12 In this case, all of the houses would provide level access from the street and therefore would meet the M4(2) standards.
- 5.13 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.

### Secured by Design

- 5.14 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 have no comments to make but have recommended the use of SBD products.
- 5.15 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

- 5.16 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.
- 5.17 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.
- 5.18 Pursuant to London Plan Policy D12, the submission of a Fire Statement is not a requirement for minor development proposals. Notwithstanding, 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.
- 5.19 Overall, 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

- toit; 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 located within the Ravenscourt and Starch Green 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.
- 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 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 212 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 212 of the NPPF). Paragraph 215 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 steel frame structure with dual pitched roof that occupies most of the site, with some flat roof extensions on the frontage along Wellesley Avenue. 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 brick boundary wall with the neighbouring gardens rises to the height of the main roof ridge along the south side and is up to 8.7 m in height above the surrounding gardens. 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 utilitarian in appearance and its form and massing are considered to relate poorly to its context. This point was specifically referenced in the previous appeal decision, where the inspector commented:

*The existing building has an incongruous appearance in relation to surrounding housing and does not enhance the character and appearance of the area.*

- 6.11 The opportunity exists to repair the streetscene on the south side of Wellesley Avenue, provide an active frontage to the street, remove the existing crossovers and reinstate the pavement. The site is highly visible from public viewing points (most pertinent along Wellesley Avenue). The proposed 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.

- 6.12 For these reasons, subject to the replacement buildings being of acceptable quality, Officers would not raise any objections to the proposed demolition of the existing buildings which are considered to be a negative contributor to the character and appearance of this sub-area of the conservation area.

#### Design of proposed new buildings

- 6.13 The proposed development would seek to repair the frontage of this section of Wellesley Avenue frontage through introduction of a residential scheme. Three houses would address this frontage, with a fourth a courtyard property located to the rear of the site. The building line of the new development has been positioned behind that of the historic terraces forming 10 and 11 Wellesley Avenue, and slightly forward of the building line of 13 Wellesley Avenue.
- 6.14 The massing of the main block would be of three storeys overall, (ground + 2, to a maximum height of 8.9m from ground level). The design of the upper floor incorporates a mansard style detailing, to give the roofscape a pitched appearance. The courtyard house is of a single storey massing.
- 6.15 Overall, the development would have a modern aesthetic which takes cues from the neighbouring developments. This approach is considered to be appropriate given that the southern portion of Wellesley Avenue does not have a consistent or complete architectural character. The buildings are designed to introduce render as the main facing material of the development on the Wellesley Road frontage, with framed double-height feature bays giving the scheme additional character, which would complement the character of the detached building 13 Wellesley Avenue. The rear of these blocks would be detailed in London stock brick, to replicate the form of other properties surrounding the application site.
- 6.16 At roof level the scheme is designed to give each property a strong parapet detailing, broken down to reflect the form of each individual house. With the upper

floor mansard style, fronted roofscape detailed in contrasting zinc and featuring projecting feature dormers.

6.17 The entrance to the rear courtyard house would be detailed in a similar manner to the neighbouring properties.

6.18 Fuller details of the materials and 1:20 drawings of key elements of the scheme, including the feature bay windows and dormers are suggested to be conditioned. From a design perspective, officers are satisfied that the proposal represents a high quality of design, which would be in keeping with the varied character of this stretch of Wellesley Avenue. Indeed, the current proposals are considered to be more compatible with the design qualities of existing developments, when considered against the fallback office development granted at appeal.

### Heritage

6.19 The application site is located in the Ravenscourt and Starch Green conservation area. Beyond this the proposals would have no impact upon the setting of any other designated or non-designated heritage assets.

6.20 As described above, the current buildings occupying the site are considered to represent a negative contribution to the character and appearance of the conservation area.

### Ravenscourt and Starch Green conservation area

6.21 The conservation area was designated in February 1974 and has been extended in the 1980 and 1990s. The main significance of the conservation area is largely focussed on Ravenscourt Park and adjacent former hospital complex that are surrounded by a street layout that has evolved over the last few centuries.

6.22 Given its size, the conservation area can be broken up into sub-areas. The Ravenscourt and Starch Green Conservation Area Character Profile dated 1999, identifies this site within the 'Ravenscourt Park and surrounding streets' sub-area.

6.23 This area features commercial uses along Goldhawk Road and King Street providing variety and hierarchy within the primarily residential built fabric surrounding the park and former hospital. Beyond these elements, other parts of the conservation area largely have an intimate residential character. Wellesley Avenue is primarily a residential street and is in keeping with the domestic feel of this part of the area. The five storey Curtis Building is significantly larger in scale compared with the other buildings along Wellesley Avenue. However, its main entrance is located on Paddenswick Road to which its massing and use are more closely related, the rest of Wellesley Avenue has a more residential character.

### Assessment of impact

6.24 The previous appeal decisions which are material considerations of the current proposals included significant comments upon the harm to the conservation area arising from the earlier proposals for office developments.

6.25 The 2019 appeal decision is particularly relevant to officer consideration of the

current scheme, with the inspector making the following comments:

*While a three-storey building may be acceptable in principle, the height and position of the proposed section floor would appear incongruous in the street scene and would result in the whole building appearing to have a significantly larger massing than the neighbouring properties when viewed from street level. The Inspector concluded that for this reason the proposal would harmfully alter the small-scale character of Wellesley Avenue and the conservation area.*

- 6.26 The inspector concluded that this harm would be less than substantial harm. This was the Inspector's main reason for dismissing the appeal.
- 6.27 In terms of assessing the impact of the current proposals upon the character and significance of the conservation area, officers have carefully considered the updated principles of the use, scale/massing and detailing of the proposals. The fallback position of the two storey office building, (which was not considered to result in any harm to the conservation area), has also been considered in this regard.
- 6.28 The introduction of residential development along this frontage of Wellesley Avenue, would serve to reflect the residential character of the area, and would provide some positive heritage benefits to the site, replacing the current buildings occupying the site, which make a negative contribution to the character of the area with a scheme of more compatibility within this context. These benefits are considered to be increased by the design quality and detailing of the lower floors of the development.
- 6.29 However, taking into account the earlier appeals, there is only a certain amount of weight that officers can attribute to these benefits. With the upper floor mansard style roofscape introducing a scheme of three storeys overall. Despite this element incorporating a pitch to the building frontage, this would appear a substantive addition to the Wellesley Avenue frontage of the site and would be impactful in terms of being significantly larger than the adjacent dwellings when viewed from the street.
- 6.30 Taking into account the earlier appeal scheme, officers note that although the scheme has been reduced in terms of its scale to the rear of the site, the development has been increased in scale to the Wellesley Avenue frontage when considered against the earlier dismissed 2019 appeal. The images below show the difference between these two schemes.



Visualisations of 2019 Dismissed appeal and current proposal

6.31 As such in considering the heritage impact of the scheme. It is acknowledged that the second floor of the scheme would be substantively larger than the earlier dismissed appeal, when viewed from the Wellesley Avenue frontages of the site, and as such the proposal would introduce a substantial third storey, rather than a subtle roof-top element. Notwithstanding, the 2019 appeal decision, both the Inspector and Council agreed with the principle of a three storey building. The comments in the previous appeals related specifically to a three storey office building on the application site. The current application although three storeys, is a residential scheme with the characteristics of such a building typology. Therefore, officers recognise that the introduction of a residential second storey would result in some harm to the character and appearance of the small-scale character of Wellesley Avenue and the conservation area. This harm would be on the lower end of the less than substantial scale when considering the NPPF tests.

#### Design and Heritage conclusion

6.32 The application site has been the subject of several appeal decisions, with the 2019 appeal providing key material considerations in relation to the heritage impacts of development proposals for developments of three storeys at this location.

6.33 Demolition of the current vacant buildings occupying the site, which make a negative contribution to the character of the area is considered to be justified and could improve the local area. Similarly, the current scheme to introduce a residential development of three houses and a courtyard house, is considered to be more compatible with the use and established character of the area, and the design of the properties is considered to represent a high-quality of design. These are clear heritage benefits of the current proposal.

6.34 However, the weight and balance of these elements need to be carefully considered and in doing so, officers have given due material regard to the earlier inspector decision in relation to the 2019 office application, noting that regardless of its mansard style detailing, the current proposal would be significantly larger in terms of bulk and mass when considered against the 2021 allowed appeal. However, given that the current proposal is a residential scheme whereas the previous 2019 application was an office building, officers consider that the principle of a three storey residential building could be acceptable in this location subject to appropriate conditions securing details of materials to ensure a high-



quality finish. Indeed, no. 14 Wellesley Avenue is also a three storey residential building (see para 1.6). As such, officers acknowledge that although the other heritage benefits identified above would not be completely outweighed by the use, design or detailing of the current proposals, they would be an improvement against the office-led scheme although the current scheme would still result in less than substantial harm, towards the lower end of the scale of harm, when considering the NPPF test. Officers consider that there are wider public benefits identified further in this report that help to outweigh the harm identified.

6.35 In summary, the proposed scheme would accord with the overarching ambition of design-based policies of the NPPF (2024), London Plan (2021) Policy D3 and D5, and Local Plan (2018) Policies DC1 and DC2. However, based upon the harm identified above, the development would therefore fail to preserve the character and appearance of the conservation areas and would not accord with section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990, and Local Plan policy DC8. Therefore, further consideration of the wider public benefits of the scheme is required and made elsewhere in this report.

## **7.0 IMPACT ON NEIGHBOURS' LIVING CONDITIONS**

7.1 The main issues in respect of the impact on neighbouring amenity are loss of outlook and sense of enclosure; overlooking; and loss of daylight and sunlight.

7.2 Local Plan (2018) Policy DC2 states that all new-build development should respect the principles of good neighbourliness. Policy HO11 also requires developments to respect the following:

- Privacy enjoyed by neighbours in adjoining properties;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties; and
- The sense of openness between properties.

7.3 With respect to outlook/sense of enclosure, Key Principle HS6 of the Planning Guidance SPD (2018) provides further guidance. As a general rule, new development should not infringe an angle of 45 degrees from either ground level or a point 2 metres above ground level, depending on the depth of the adjoining residential rear garden:

- i) Proposals that adjoin residential properties with rear gardens less than 9 metres in length to the adjoining rear boundary, the line should be measured from a point at the rear residential boundary at ground level; or
- ii) Proposals that have rear gardens (or distance to adjoining residential properties) of more than 9 metres in length to the rear boundary, should be measured at a height of 2 metres from ground level from a point of the adjoining boundary; or
- iii) If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the impact the extension will have on the existing amenities of neighbouring properties.

7.4 With respect to privacy, Key Principle HS7 of the Planning Guidance SPD (2018)

states that any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window, to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

### Daylight/Sunlight

- 7.5 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.
- 7.6 Vertical Sky Component (VSC) - VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.
- 7.7 No-Sky Line (NSL) - NSL is a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky, and therefore accounts for the size of and number of windows by simple geometry. The BRE suggest that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (i.e. the proportional reduction in area should not be greater than 20%).
- 7.8 Annual Probable Sunlight Hours (APSH) - In relation to sunlight, the BRE recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%).
- 7.9 The applicant's Daylight and Sunlight report which has been carried out in line with BRE considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on the following residential properties:

The full list of assessed properties is as follows;

- 6 Wellesley Avenue
- 7 Wellesley Avenue
- 8 Wellesley Avenue
- 10 Wellesley Avenue
- 11 Wellesley Avenue
- 13 Wellesley Avenue

- 23 Dorville Cres
- 25 Dorville Cres
- 27 Dorville Cres
- 29-31 Dorville Cres
- 33 Dorville Cres
- 35 Dorville Cres
- 1-9 Paddenswick Court
- 20A Paddenswick Road

7.10 100% of the assessed windows meet the recommendations for the VSC.

No-Sky Line (NSL): 98.1% of the assessed rooms meet the recommendations for the no-sky line. Only two rooms (room 7 at 8 Wellesley Avenue and room 24 at 13 Wellesley Avenue) fail to meet the recommendations. The loss of NSL will be moderate to room 7 and minor to room 24. It should be noted that the windows serving rooms 7 and 24 (W.7 and W.24) meet both the VSC and APSH criteria which demonstrates that these rooms will be adequately lit. Moreover, the existing value of W.7 is 44.1% with a reduction to 27.8% (37% reduction - moderate). W.7 is currently obstructed by a tree on the 8 Wellesley Avenue property. Therefore, the impact is considered to be minor, and the results would be acceptable. Additionally, room 24 is likely to be a non-primary room (hallway) as it is served by the back door. This room is seen to face a 22.5% loss of NSL which is only marginally above the 20% threshold. Both rooms have low NSL% values in the existing scenario as well (44% and 42%) which indicate low levels of light from the sky, therefore, the loss of light from the sky to this room is unlikely to significantly impact the occupants.

7.11 With regards to Annual Probable Sunlight Hours (APSH): The APSH have been calculated for all existing south facing windows. 98.8% of the analysed windows meet the recommendations for the APSH. Only one window (W.72b) at 35 Dorville Crescent marginally fails to meet the recommendations. This window is seen to experience a 26.3% loss of APSH which corresponds to a minor impact (below 30% reduction). The two windows serving room 72 meet the VSC criteria and W.72a meets the APSH criteria. Additionally, room 72 meets the NSL criteria, which demonstrates that this room will be adequately lit. Therefore, the impact will be minor, and the results would be acceptable.

7.12 The results of the technical analysis have shown that the vast majority of properties would experience no noticeable effects with the proposal in place. In the very small number of cases where potential noticeable effect is identified within the NSL analysis this is considered to be very marginal and based on best practice assumptions rather than actual floor plans. Given the high level of compliance within the VSC, APSH and garden assessments for assessed windows and open spaces, the proposal is therefore considered to be acceptable and in line with the overall intentions of the BRE guidelines and local planning policy.

## Outlook/Sense of Enclosure

### **13 and 14 Wellesley Avenue**

7.13 Proposed unit 4 which is a single storey structure would be positioned closest to

nos 13 and 14 Wellesley Avenue. There is an approx. 3.5m high boundary wall and the proposed unit 4 would achieve internal ceiling heights of 2.7m and only marginally project above the existing boundary wall. Moreover, proposed unit 3 at first and second floor level would not project beyond the rear building line of no. 13. As such, the impact on outlook and sense of enclosure to No. 13 is considered to be acceptable and would not represent a significant worsening of the situation compared to the existing structure. Moreover, no. 14 is a consented scheme which has been implemented but not yet built out. Similar to no. 13, given the single storey structure of proposed unit 4, no demonstrable harm to the living conditions of the future occupiers of no. 14 is identified.

## **11 Wellesley Avenue**

7.14 Proposed unit 1 would lie closest to no. 11 Wellesley Avenue. At first floor the proposal would be set away approx. 3m away from this property. The existing structure is positioned right up to the boundary and has an apex height of approx. 9.08m. as a result of the proposed development, there would be a reduction in massing as the bulk of unit 1 would be set away from this shared boundary beyond the rear wall of the main house. As such, on balance the proposed scheme would represent an improvement to the outlook and perceived sense of enclosure to this neighbour, this is considered to be a greater public benefit over the consented office scheme. In addition, one vertical window is proposed on the flank wall facing no. 11 however this is a non-habitable room window and serves a vaulted ceiling staircase. Notwithstanding, a condition will be attached to ensure this window is obscure glazed to help alleviate the perceived sense of overlooking to this neighbouring property. Overall, the impact on outlook and sense of enclosure to No. 11 is considered to be acceptable and would not represent a significant worsening of the situation compared to the existing structure.

## **29-35 Dorville Crescent**

7.15 The existing rear wall of the garage building cuts across the rear gardens of 29-33 Dorville Crescent at an oblique angle. Its shape mirrors the pitch of the roof and is therefore particularly high in its central section. The proposed scheme would represent a considerable improvement over the existing structure and also over the consented office scheme (in which the bulk/massing of the proposal is pulled deeper into the site). Similarly, to no. 11, the proposed flank window on Unit 1 although would lie more than 18m away from no. 35, to help alleviate residents perceived sense of overlooking, this window would be conditioned as obscure-glazed. Overall, the impact on outlook and sense of enclosure to Nos. 29-35 Dorville is considered to be acceptable and would not represent a significant worsening of the situation compared to the existing structure, and the extant office planning permission.

## **1-9 Paddenswick Court**

7.16 Proposed Unit 1 will lie closest to these neighbours, which would be a single storey structure and would lie more than 18m away from this building. Overall, the proposed residential scheme would represent a marked improvement over the consented office scheme given the significant reduction in bulk and massing from the rear of the site. This would be considered to be a greater public benefit over the extant office planning permission.

7.17 Overall, the changes include reconfiguration of the massing when compared with the consented office scheme. The proposed residential scheme results in an improved sense of openness and improved outlook for neighbouring properties and accord with Key Principle HS6.

### Privacy

7.18 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.

7.19 The proposals would achieve habitable room distances in excess of 18m, within a 60-degree arc in line with Key Principle HS7 of the Planning Guidance SPD. This includes consideration of 33 Dorville Crescent, in which respect officers note that bedroom 2 of unit 1 would be within less than 18m of the flank elevation of the rear return of no. 33 but there are no windows in that flank elevation except those beyond a 60-degree viewing angle from unit 1.

7.20 Similarly, with proposed House numbers 2 and 3, the rear bedroom windows would not breach the 18m distance and 60 degree viewing angle. Overall, none of the opposing residential properties would experience any loss of privacy as a result the proposed development. Indeed, some of the properties would experience a marked improvement when compared to the extant office planning permission. The proposal therefore accords with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

### Noise and Disturbance

7.21 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).

7.22 Moreover, the Council's Environmental Protection Team raised no objection to the proposals. Matters relating to 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.

## **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 4 on a scale of 1-6b, which indicates good level of access to public transport. The site falls within a Controlled Parking Zone ('Parking Zone L'). This restricts car parking to resident/business permit holders (excluding blue badge holders) and Pay-and-Display parking between the hours of 9am to 5pm Monday to Friday, during which time Pay-and-Display parking is available for a maximum of 8 hours.
- 8.7 At present, the site is served by two drop kerb vehicle access points from Wellesley Avenue which provide the opportunity to park on site. There is also a single sub-standard on-street parking bay, which measures 3.5m, directly fronting the site on Wellesley Avenue. The proposals seek to remove the existing vehicle accesses to the site and reinstate the full kerb and footway. This would allow the

creation of an additional c.20m of on street parking bays, which could provide up to 4 spaces. These works would require the developer to enter into a Section 278 agreement with the Council, which would be secured within the legal agreement.

- 8.8 In contrast to London Plan Policy T6.1, which requires development to be car-free, Local Plan Policy T4 (Vehicle Parking Standards) establishes a parking allowance of up to 2 spaces per 4-bedroom residential unit and up to 1.5 spaces per 3-bedroom unit. The proposals would comply with these requirements. Although Policy T4 also refers to the use of permit restrictions for sites with a 'PTAL' higher than 2, on balance however, it is considered acceptable for each new dwelling to be eligible for one parking permit within Zone L, as the proposals would increase overall CPZ capacity, and significantly reduce vehicle use compared to the current commercial use—resulting in no net impact on parking pressure in the local area. The restrictions of one parking permit per dwelling would be secured within the legal agreement. In addition to this, it is considered that the removal of the existing crossovers and the reinstatement of kerb and footway would provide an enhanced public footway, which would be of benefit to all pedestrians and especially those with mobility aids or visual impairments.
- 8.9 In order to demonstrate that the proposals would not have any adverse impacts upon traffic generation or congestion, a Transport Statement, prepared by Meyer Brown, has been submitted as part of this application. The TRICS database was consulted as part of the Trip Generation exercise, which has demonstrated that the proposed residential development would result in a decrease of 18 vehicle movements during the AM peak, and 13 vehicle movements during the PM peak when compared to the site's existing B2 use. Furthermore, the proposed residential use would see eliminate any trips to the site by Heavy Goods Vehicles which are associated with the existing use. The Statement concludes that the development proposals represent a significant benefit in terms of impact to the local transport network compared to the existing use of the site. It also finds that the proposals would have no material impact compared to the extant permission for the commercial (office) re-development of the site.
- 8.10 In summary, the reduction in vehicle trips compared to the existing lawful use of the site (Class B2) is a material consideration which weighs in favour of allowing the homes to benefit from one CPZ permit per property. As established by the submitted Transport Statement, the proposals would also represent a marked improvement over the existing lawful use of the site in transport terms. It follows that the proposals would fully satisfy the key test set out in Paragraph 115 of the NPPF, which stipulates that development proposals should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.11 Accordingly, and on the balance of site-specific factors relevant to the determination of this application, the development proposals are considered to accord with Paragraph 115 of the NPPF and with the Development Plan when read as a whole, with respect to transport and parking and taking into account the overall planning balance.

## Cycle Parking

- 8.12 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.
- 8.13 As such, space for a minimum of 2 cycles must be provided for each proposed dwelling. Two spaces are shown on plans within the front gardens of each of the three properties fronting Wellesley Avenue. The proposed location of the storage is considered to be acceptable. Space for 2 cycles is shown within the access alley for the dwelling at the rear of the site. Although this is not considered to be appropriate, Officers are comfortable that an improved amended location can be secured by way of a details condition prior to occupation.
- 8.14 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 Guidance (WestTrans) and the London Cycle Design Standards (LCDS) and to ensure full compliance with Local Plan Policy T3.

## Refuse, Recycling and Servicing

- 8.15 Similarly to the cycle parking provisions, the submitted drawings and Transport Statement cover the requirements for refuse and recycling storage and servicing arrangements. In-line with the existing refuse collection and servicing arrangements along Wellesley Avenue, refuse will be collected (as part of LBHF's existing refuse collection services) and deliveries made by vehicles waiting on-street. Each of the proposed houses' wheelie bins will be located within their front garden, and at the southern end of the 'Access Alley' in the case of House 4. These details are not shown on the proposed plans at this stage however, officers understand there is sufficient capacity within the site to provide satisfactory arrangements.
- 8.16 A condition is recommended requiring a detailed refuse management strategy including the bin storage location to be submitted to ensure compliance with Local Plan (2018) Policy CC7 and Key Principle WM4 and Appendix 5 of the Planning Guidance SPD.
- 8.17 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.
- 8.18 Similarly to the cycle parking provisions, the submitted drawings and Transport Statement cover the requirements for refuse and recycling storage and servicing arrangements. Officers are satisfied that there is sufficient capacity for the site to provide adequate refuse and recycling arrangements.



- 8.19 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.
- 8.20 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. In addition to this, a monitoring fee of £5,000 will be secured within the legal agreement to ensure that the Demolition and Construction activities are carried out in accordance with any approved documentation.

## **9. ENVIRONMENTAL CONSIDERATIONS**

### **Tree Protection and Biodiversity**

- 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 no trees within the Site boundary; however there are a small number of trees on land surrounding the site. The application is supported by an Arboricultural Impact Assessment which outlines that some trees may need some maintenance, pruning works. This work will ensure that the trees are not inadvertently damaged during demolition or construction and will ensure a reasonable clearance for the work and provide a framework for the future management of overhanging growth into the future.
- 9.2 The proposed development will be carried out in accordance with the Tree Protection Plan provided in Appendix D of the Assessment. While the Plan provides for the pruning of several trees to facilitate the demolition and construction works, no trees will need to be removed entirely. Accordingly, it is considered that the proposed development can be achieved without significant impact on the health or amenity of the surrounding trees. The proposals will therefore accord with Policy OS5 with respect to the retention of existing trees.
- 9.3 Under the statutory framework for Biodiversity Net Gain ('BNG') introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), subject to certain exceptions, every grant of planning permission in England is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. This increase can be achieved through on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits.
- 9.4 The specific exemptions from BNG are set out in Paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 9.5 The proposals are considered to be subject to the de minimis exemption, as they would neither impact a priority habitat nor impact more than 25 square metres of other on-site habitat, or 5 metres of linear habitats such as hedgerows. On this basis the biodiversity condition should not be applied to any planning permission issued in relation to this proposal.

- 9.6 Nevertheless, the proposals will provide several biodiversity-enhancing measures, such as sedum roofs and wider soft landscaping works, in response to planning policy. On this basis, the proposals are considered to be acceptable in terms of their biodiversity impacts.

#### Flood Risk and Sustainable Drainage (SuDs)

- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 This site is located in the Environment Agency's Flood Risk Zone 3. A Flood Risk Assessment (FRA) has been provided. This reports 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.
- 9.11 Although in Flood Zone 3, the site is well protected from flood risk from the River Thames by flood defences such as the Thames Barrier and local river walls. However, if these defences were breached or over-topped, there is a risk of floodwater reaching the site (2100 scenario). The site is not in a surface water flooding hotspot and groundwater / internal sewer flood risks are also low as there is no basement proposed.
- 9.12 In order to mitigate the flood risks, the FRA notes that the Finished Floor Levels (FFLs) will be set at +4.70mAOD for 3 properties and +4.80mAOD for the 4th which is above the modelled flood water levels in a worst case breach/over-topping scenario. Raised floor levels also provide protection against other potential flood incidents due to intense rainfall etc. In the event of an emergency occupants of the new dwellings would have access to higher floors to take refuge if necessary. Additional measures are proposed in the form of non-return valves on the drainage system and inclusion of Sustainable Drainage Systems (SuDS) which are detailed in a separate Drainage Strategy Report. Measures such as reducing impermeable area by introducing soft landscaping in garden spaces and green roofs as well as permeable paving and water butts for each plot.
- 9.13 Additional storage will also be provided via small attenuation tanks with controlled

release of stormwater to the sewer network restricted to 2l/s which would represent a reduction of 92% for the discharges from a 1 in 100 year storm. 2 l/s is above the greenfield rate for the site (1 l/s) but this level of improvement is considered to be acceptable for a small site. No objection to the proposals in terms of flood risks/surface water management. The implementation of the measures as outlined in the FRA and Drainage Strategy will be conditioned.

- 9.14 Subject to the recommended conditions and informative, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

#### Energy and Sustainability

- 9.15 The Local Plan (2018) outlines the Council's goal to make the borough the greenest and environmentally sustainable by 2035. This includes requiring new developments to reduce energy use, minimize non-renewable resources, and promote low or zero-carbon technologies to cut carbon emissions and harmful air pollutants. Major developments, in particular, will be held to these standards, as buildings are the primary source of carbon emissions in H&F.
- 9.16 Local Plan Policy CC1 (Reducing Carbon Dioxide Emissions) requires all major developments to implement energy conservation measures with a view to reducing carbon dioxide emissions. The policy, however, refers to the previous version of the London Plan and as such has been partly superseded by the more up to date requirements contained in the new London Plan. Local Plan Policy CC2 (Sustainable Design and Construction) seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.
- 9.17 Although this application is not a major development, an Energy Assessment, Sustainability Statement and Whole Life Carbon Comparison Study have been submitted with the application. These are not a planning policy requirement as such, given the small-scale nature of the proposals, but inclusion of sustainable design and construction measures is encouraged in smaller developments such as this, so the provision of this supporting information is welcomed.
- 9.18 Energy efficiency measures are proposed beyond those required as minimum by the Building Regulations to help improve the energy performance of the new dwellings and reduce heat loss in particular. Air Source Heat Pumps are also proposed as part of the space heating and hot water system and solar PV panels will be mounted on the roof areas to generate electricity on site.
- 9.19 Overall, CO<sub>2</sub> savings of **76%** are projected for the scheme compared to the minimum requirements of the Building Regulations, which is welcomed. Compared to the previously proposed scheme on this site which was an office use, the residential redevelopment is shown in the Whole Lifecycle Carbon assessment to have a lower carbon footprint.
- 9.20 Additional sustainability measures are also proposed to manage waste and promote recycling, improve water efficiency, source materials with reduce environmental impacts etc. The implementation of the carbon reduction and sustainability measures as outlined in the Energy Assessment and Sustainability

Statement will be conditioned to ensure the proposed measures are included.

9.21 The proposed development accords with Policies SI 2, SI 3 and SI 4 of the London Plan 2021 and Policies CC1, CC2 and CC7 of the Local Plan 2018.

#### Contaminated Land

9.22 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.

9.23 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

9.24 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

9.25 The development site is within the borough wide Air Quality Management Area (AQMA) and in an area of existing poor air quality due to the road traffic emissions from Paddenswick Road (B408) and Goldhawk Road (A402).

9.26 The Council's Air Quality team have reviewed the application and recommended conditions to secure details of air quality mitigations to ensure the development is in accordance with Local Plan Policies CC1 and CC10, London Plan Policy SI 1, and the councils Air Quality Action Plan.

### **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 £58,792 + 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 £146,980 + 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) 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 Wellesley Avenue;
  - 2) AQDMP Compliance monitoring of £5000 per annum of the demolition and construction phases of the development;

- 3) Construction Monitoring obligation £5000 per annum;
- 4) Financial Contribution of £240,000 that will contribute to:

Public realm, environmental improvements, and 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;
- 5) A commitment to meet the costs of the Council's associated legal fees.
- 6) A limit of 1 car parking permit per approved unit under Section 16 of the Greater London Council (General Powers) Act 1974.

## **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.
- 11.3 Harm has been identified to the Ravenscourt and Starch Green conservation area through introduction of a second floor, but the harm is identified at the lower end of less than substantial harm. In line with local policy and the NPPF, this level of harm to the conservation area, has been considered against the public benefits coming forward as part of the scheme. These benefits include:
  - Provision of four new energy efficient homes, (large family housing units) in a sustainable location.
  - Introduction of residential use to replace the existing B2 light Industrial use, is more compatible with the prevailing character and appearance of the surrounding area.
  - Contributions listed in para 10.8.
  - Improvements in residential amenity when compared to the extant office planning permission.
- 11.4 Taking into account the NPPF tests, it is considered this less than substantial harm is counter-balanced and outweighed by the substantial public benefits that the proposal would deliver.
- 11.5 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 (2024), 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.

11.6 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 legal agreement.

11.7 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.