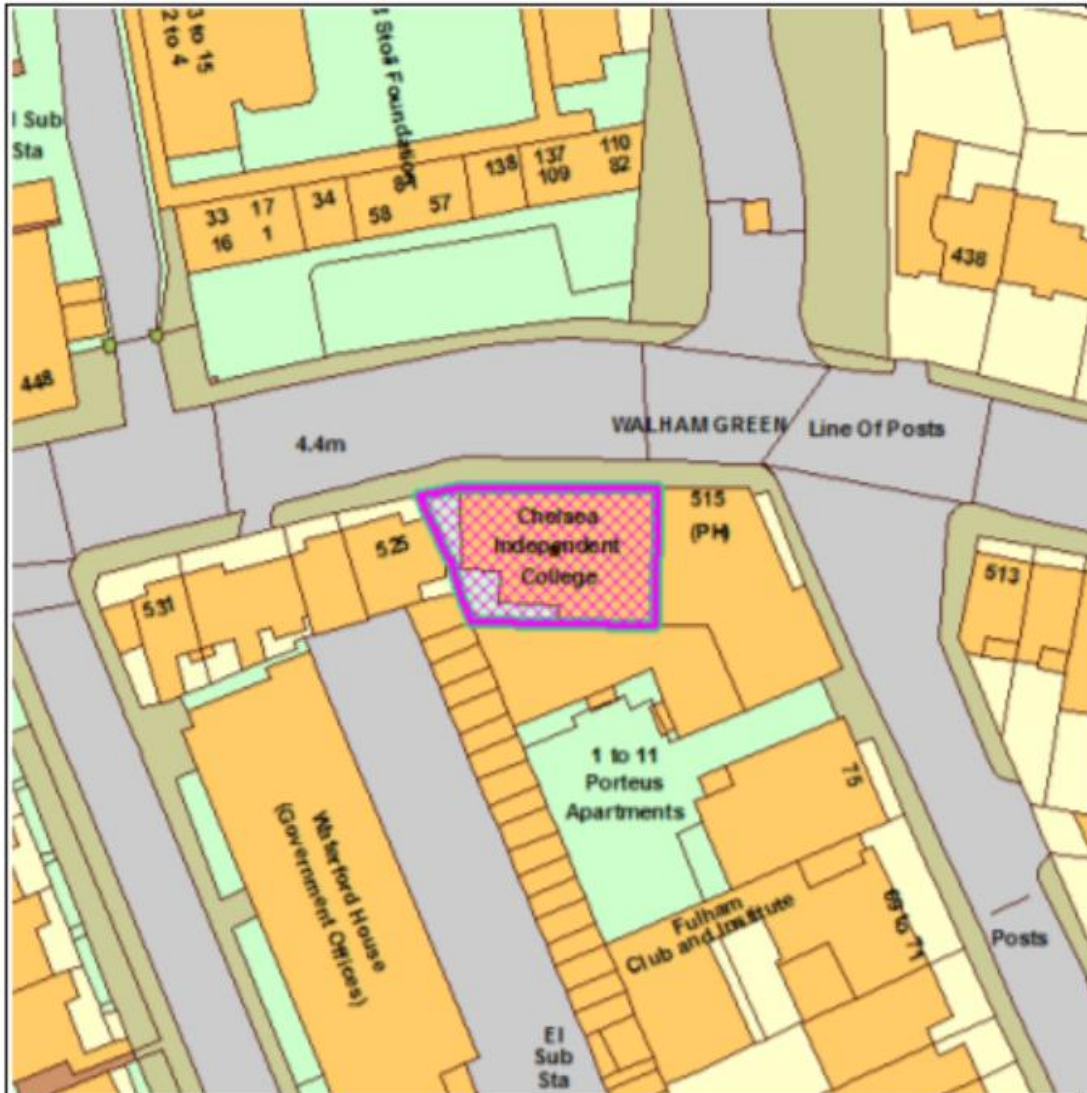


**Ward:** Walham Green

**Site Address:**

517 - 523 Fulham Road London SW6 1HD



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For identification purposes only - do not scale.

**Reg. No:**

2024/02201/FUL

**Date valid:**

03.09.2024

**Committee Date:**

08.07.2025

**Case Officer:**

Ronny Ferley

**Conservation Area:**

Moore Park

Conservation Area –  
No.30

**Applicant:**

Mr. L. Trevellyan  
Trevellyan Developments Ltd.  
C/O Agent

**Description:**

Redevelopment of the site to include, change of use of the existing property from a school (Class F1) to a mixed use (Class E) at basement and ground floor level and conversion of first, second, third and fourth floor level into 7no. self-contained flats (Class C3); alterations to include, removal of existing fire escape staircase to the rear of the building, erection of a three storey extension with an undercroft below and a roof terrace above; addition of rear metal balconies/terraces at first, second and third floor level; installation of 2no. air source heat pumps, metal door, decking, balustrade, steps, cycle gutter, and roller shutter to the rear ground floor elevation, creation of residential entrance to the front elevation, and erection of 1.8m high security gate in connection with the formation of a gated side access for cycle parking, cycle and bin stores at ground floor level; associated alterations.

**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) Time Limit**

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) Approved Drawings/Plans**

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

D0100 Rev L1;  
D0101 Rev L1;  
D0102 Rev L1;  
D0103 Rev L1;  
D0104 Rev L1;  
D0200 Rev L1;  
D0201 Rev L1;  
D0202 Rev L1;  
D0203 Rev L1;  
D0300 Rev L1;  
D0500 Rev L1.

To ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

### **3) Materials**

The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

### **4) Internal and External Noise for sensitive premises**

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

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

#### **5) Separation of Noise between residential units**

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

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

#### **6) Noise Separation between commercial and residential**

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings between the ground and first floors. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

#### **7) Anti-Vibration**

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.

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).

#### **8) External Noise from plant equipment**

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.

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).

#### **9) No Aerials**

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

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

#### **10) Rooftop Structures**

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

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1, DC4 and DC8 of the Local Plan (2018).

### **11) No Further Roof Terrace**

Other than the areas shown on the hereby approved drawings as a designated roof terrace, no part of any other roof at the premises shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018).

### **12) Roof Terrace Enclosure**

Prior to the occupation of the development hereby permitted, the enclosure details of the fourth-floor roof terrace of Apartment 4.01 (as shown on Dwg Nos. D 0104 Rev L1 and D0300 Rev L1) shall be submitted to and approved by the Local Planning Authority.

The enclosures shall thereafter be permanently retained as approved.

To ensure a satisfactory appearance and to protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policies DC4 and HO11 of the Local Plan (2018).

### **13) Cycle Parking**

Prior to the first occupation of the relevant part of the development hereby permitted, details of cycle parking facilities for the hereby approved residential and commercial use shall be submitted to and approved by the Local Planning Authority.

Such details must be in accordance with Table 10.2 (minimum cycle parking standards) of the London Plan (2021) and shall be secured, accessible and sheltered as a minimum.

Approved details shall thereafter be retained solely for the designated use.

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policy T3 of the Local Plan (2018) and Policy T5 of the London Plan (2021).

### **14) Refuse and Recycling**

Prior to the first occupation of the relevant part of the development hereby permitted, details of refuse and recycling facilities for the hereby approved residential and commercial use shall be submitted to and approved by the Local Planning Authority.

Thereafter, the provision for refuse and recycling storage shall be permanently maintained in the form of the approved details for the lifetime of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

### **15) Construction Management/Logistics Plan**

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

(i) A Construction Management Plan-

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays and not on Sundays or Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan-

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

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

### **16) Ultra Low Emission Strategy**

Prior to occupation of the commercial development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

a. Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle

b. Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle,

c. Reduction and consolidation of deliveries and collections e.g., Waste

d. Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs.

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

### **17) Ventilation Strategy**

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 each of the 7 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 the Annual Mean Nitrogen Dioxide (NO<sub>2</sub>), and Particulate (PM<sub>10</sub>, PM<sub>2.5</sub>) concentrations are equal to 20ug/m<sup>3</sup>, 20ug/m<sup>3</sup> and 10 ug/m<sup>3</sup> respectively and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of each residential floor.

b. Details and locations of restricted opening front elevation windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors facing North End Road.



c.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.

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

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

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

### **18) Ventilation Strategy Compliance**

Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 17 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 of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

### **19) Zero Emission Heating**

Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps or electric boilers to be provided for space heating and hot water for the eight self-contained dwellinghouses (Use Class C3) and Public House (Use Class Sui Generis) 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 Policy SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

## **20) Air Source Heat Pumps**

Prior to first occupation of the development hereby approved, details of the Air Source Heat Pumps (ASHPs) (as shown on approved Dwg Nos. D0100 Rev I1, D0202 Rev I1, D0203 Rev I1 and D0300 Rev I1), shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

In the interest of sustainability and to ensure that the proposed development does not prejudice the appearance of the area or the amenity of neighbouring occupiers in accordance with Policies CC1, CC11, DC1, DC8 and HO11 of the Local Plan (2018).

## **21) Limited Class E Use**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the premises shall be used for all Class E uses except for the following use:

- Class E(b) - for the sale of food and drink for consumption (mostly) on the premises.
- Class E(d) for indoor sport, recreation or fitness and;
- Class E(f) for creche, day nursery or day centre.

To ensure that there would be no adverse impact upon residential amenity by reason of noise and disturbance or highway safety by reason of increased traffic generation in accordance with Policies HO11, CC11 and T1 of the Local Plan (2018).

## **22) No Advertisement**

No advertisements shall be installed on the additional floors hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance of the development in accordance with Policy D3 of the London Plan (2021), Policies DC1, DC4, DC8 and DC9 of the Local Plan (2018).

## **23) Thames Water Network – Foul Water**

No development shall be occupied until confirmation has been provided that either:

1. Foul water capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Thames Water network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This is in accordance with Policies CC3, CC5, CC8 and CC13 of the Local Plan (2018).

#### **24) Thames Water Network – Surface Water**

No development shall be occupied until confirmation has been provided that either:

1. Surface water capacity exists off site to serve the development or;
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or;
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Thames Water network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This is in accordance with Policies CC3, CC5, CC8 and CC13 of the Local Plan (2018).

#### **25) Secured By Design**

Prior to occupation of the development hereby approved details of how the development has included Secured by Design Standards in the fenestration and the external door-sets of the building, shall be submitted and approved in writing by the Local Planning Authority.

Any further works necessary to comply with Secured by Design Standards shall be carried out prior to the first occupation of the residential units. These measures shall be permanently retained and maintained.

To ensure that the development maintains and enhances community safety in accordance with Policy HO11 of the Local Plan (2018).

## **26) Delivery and Servicing Plan**

Prior to occupation or first use of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include the management and times of deliveries to avoid peak times, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements.

The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details.

The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and that servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policy T2 of the Local Plan (2018).

## **Justification for approving application:**

1. Land Use: The proposed development would achieve a sustainable form of development by meeting local housing demands through the optimisation of the current site capacity to provide new residential units. It has been demonstrated that the proposals would provide adequate flexible Class E use floorspace that can accommodate a number of different types of businesses on the ground and basement floors, which would maintain an employment use at the site and mitigate against the loss of community use (Use Class F1). It is considered that the proposed residential use would be compatible with the surrounding mixed-use area which includes residential above commercial ground floors. The proposed 7 small non-family sized residential units would make efficient use of land near a town centre. The proposals are therefore considered to be in accordance with Policies S1, S3 and H1 of the London Plan (2021), Policies CF1, CF2, E2, HO1 and HO5 of the Local Plan (2018).

2.       Housing Quality: The proposed development would provide 7 one- and two-bedroom self-contained flats in accordance with exceeding the minimum floorspace requirements. Given the proximity to a town centre and the physical site constraints, the mix of non-family units are considered appropriate in this case. The development would provide dwellings with acceptable living conditions and good standards of accommodation to future occupiers in accordance with London Plan (2021) Policy D6, the Mayor's Housing 'Design Standards' LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 as well as relevant Housing Key Principles of the 'Planning Guidance' SPD (2018).

3.       Design and Heritage: The proposed development be of good design quality which optimises the capacity of a previously developed land. The proposals would retain the character and appearance of the host property and include provision of modest extensions to the rear to facilitate the change of use of the site to residential accommodation. As such, it is considered that the proposals would not result in harm to the setting of the Moore Park conservation or adjacent designated/non-designated heritage assets. Overall, the proposed development is considered acceptable having due regard for sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990, and would be in accordance with the NPPF (2024), London Plan Policies D3, D4, D5 and HC1, as well as Local Plan Policies DC1, DC4 and DC8, and relevant design and heritage Key Principles of the 'Planning Guidance' SPD (2018).

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, DC4, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

5.       Transport and Highways: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking and a legal agreement is secured to ensure a car-free scheme in this area, which benefits from excellent public transport links. Adequate provision for the storage and collection of refuse and recyclables would be provided for the proposed commercial and residential use and these would be secured by conditions. 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. Environmental Issues: The impact of the development with regards to flood risk, air quality and land contamination 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).

7. Planning Obligations: Planning obligations to offset the impacts of the development and make it acceptable in planning terms are secured. This includes car permit free restrictions as well as Section 106 financial contribution to mitigate the loss of a community floorspace, community security, public realm improvements and local employment skills initiatives, as well as a car permit free restrictions. The proposed development would therefore mitigate unwanted impacts and cater to the needs of the community affected by the proposed development. This would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policies E1, TLC2 and INFRA1

**That the applicant be informed as follows:**

1. Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 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.

Notification to neighbours of demolition/building works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and 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 and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Dust

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.

Dark smoke and nuisance

No waste materials should be burnt on site of the development hereby approved.

Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.

Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

2. The Metropolitan Police have a preferred security standard for the manufacture of doors and windows which is known as Secured by Design (SBD). Numerous long-term studies have shown that by fitting SBD approved specification doors and windows you will reduce the chances of becoming a burglary victim.

Within the London Borough of Hammersmith & Fulham (LBHF) all larger scale new builds/developments and refurbishments are built to this standard and it is encouraged that you to adopt Secured by Design accredited products for your own build.

You can find a list of product and suppliers on the secured by design web site: [www.securedbydesign.com](http://www.securedbydesign.com)

Before a decision can be made as to whether this change of use application is suitable to achieve an SBD award, the Metropolitan Police - Crime Prevention Team will need further details regarding the fenestration of the building and the external door-sets. The applicant can contact the Met Police on [tiago.depaula@met.police.uk](mailto:tiago.depaula@met.police.uk) / 0208 247 5834

3. The developer can request information to support the discharge of conditions 23 and 24 by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning)
4. In the event that any bat, bat roost or bird nest is suspected or discovered during works, then works must immediately cease and a licensed ecologist must be consulted. All bat and bird species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and it is a criminal offence to disturb or destroy bats / birds and their roosts / nests.

5. If the alterations include integration of new water using fixtures/fittings, then these should be water efficient ones to comply with the requirements of Local Plan Policies CC3 and CC4 (2018).
  6. The applicant should ensure that any soakaway system proposed for the site must be designed and constructed to comply with Building Regulation requirements in relation to drainage, with reference to Section 3 on Surface Water Drainage of Approved Document H. In particular, soakaways should not be located within 5 metres of a building or road. Approved Document H can be found online here:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/442889/BR\\_PDF\\_AD\\_H\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442889/BR_PDF_AD_H_2015.pdf)
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## **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

### **All Background Papers held by case officer named above:**

Application received: 2<sup>nd</sup> September 2024

Drawing Nos: see above

**Policy Documents:** National Planning Policy Framework (NPPF, 2024)  
The London Plan (2021)  
LBHF - Local Plan (2018)

### **Supplementary Planning Documents:**

LBHF - 'Planning Guidance' Supplementary Planning Document (2018)  
LBHF - 'Climate Change' Supplementary Planning Document (2023)

### **Consultation Comments:**

#### **Comments from:**

Thames Water  
Metropolitan Police Crime Prevention

#### **Dated:**

20.09.2024  
25.09.2024

### **Neighbour Comments:**

#### **Letters from:**

#### **Dated:**

None.



## **1. SITE DESCRIPTION AND HISTORY**

- 1.1 The application site (approximately 0.03 ha) is located on the southern side of Fulham Road, near its junction with Britannia Road. It consists of a five storey modern 1980s building which falls within the Moore Park Conservation Area and is within the setting of both the Grade II Listed Building Sir Oswald Stoll Foundation Southern Block, and the adjacent locally listed, (Building of Merit), 525 – 531 Fulham Road.
- 1.2 The site is currently vacant, and its last use was as an independent school annex to the Chelsea Independent College Sixth Form.
- 1.3 The site falls just outside the Fulham Town Centre boundary which lies approximately 50m to the west. It is also within a Flood Risk Zone 3, Controlled Parking Zone (Zone S) and it has a Public Transport Accessibility Level of 6a.

### **Planning History**

- 1.4 In 2022, planning permission (Ref: 2022/02379/FUL) was granted for the change of use from a School Use Class F1(a) to a Medical or Health Service Use Class E(e); installation of a new metal gate, formation of 2no. refuse stores enclosed in steel fence and steel panels, formation of cycle parking, at ground floor level to the side of the main building fronting Fulham Road; formation of cycle parking to the rear elevation at basement floor level. This permission was not implemented.
- 1.5 In 2022, planning permission (Ref: 2022/00090/FUL) was granted for the change of use from a School Use Class F1(a) to a Nursery Use Class E(f); installation of a new metal gate, formation of 2no. refuse stores enclosed in steel fence and steel panels, formation of cycle parking, to the side of the main building fronting Fulham Road, and formation of scooter parking to the rear elevation at ground floor level. This permission was not implemented.
- 1.6 In 2022, planning permission (Ref: 2021/02478/VAR) was granted for the variation of Condition 2 (approved plans) and 16 (cycle store) of planning permission Ref No.2021/02993/VAR which was for the "Variation of Condition 2 (approved drawings) to allow minor material amendments to planning permission ref: 2021/01576/VAR dated 28th July 2021 for the "the installation of air conditioning condenser units and installation of 2no. windcatcher vents to the southern elevation; installation of ventilation louvres to the southern and western elevations". The amendment sought is to amend the approved plans (condition 2) to include cycle storage information and to update the wording of condition 16 to "Prior to first occupation of the extended building for educational use, the proposed development hereby permitted shall provide 4Nos. secure cycle parking spaces and 14Nos. scooter parking spaces in

accordance with the approved plans. The cycle and scooter parking shall thereafter be maintained for such use for the duration of the approved use". This permission was not implemented.

- 1.7 In 2021, planning permission (Ref: 2021/02993/VAR) was granted for the variation of Condition 2 (approved drawings) to allow minor material amendments to planning permission ref: 2021/01576/VAR dated 28th July 2021 for the "Erection of 2 additional floors at roof level to provide a third and 4th floor level, in connection with its use as D1." Amendments sought are installation of air conditioning condenser units and installation of 2no. windcatcher vents to the southern elevation; installation of ventilation louvres to the southern and western elevations. This permission was implemented.
- 1.8 In 2021, planning permission (Ref: 2021/01577/FUL) was granted for the replacement of 1no existing window with new fire rated double glazed timber window at upper ground floor level, replacement of 1no window with a door at first and second floor level, and erection of external fire escape staircase from ground to fourth floor level to the southern elevation; replacement of 1no window with new fire rated double glazed window at upper ground, first and second floor level to the western elevation and replacement of 1no window with new fire rated double glazed window at upper ground, first and second floor level to the eastern elevation.
- 1.9 In 2021, planning permission (Ref: 2021/01576/VAR) was granted for the variation of Condition 2 (approved drawings) to allow minor material amendments of planning permission ref: 2014/04145/FUL dated 28th October 2014 for the "Erection of 2 additional floors at roof level to provide a third and 4th floor level, in connection with its use as D1." Amendments sought are to include the installation of 2no. air conditioning Louvres to the southern elevation, reducing the size of the fourth floor extension, installation of 1no. door in place of the window to the southern elevation at third and fourth floor level, and installation of 1no. fire rated double glazed window to the western elevation at third floor level.
- 1.10 In 2017, planning permission (Ref: 2017/03951/VAR) was refused for the removal of Condition 16 (provision of 30 secure cycle parking spaces) of planning permission reference: 2014/04145/FUL granted 28th October 2014 for the "erection of 2 additional floors at roof level to provide a third and 4th floor level, in connection with its use as D1."

The reason(s) for refusal were –

- i. The proposal to remove condition 16 would fail to promote alternative, sustainable forms of transport, and is therefore contrary to Policy J5 of

the Development Management Local Plan 2013 and SPD Transport  
Policy 12 Planning Guidance Supplementary Planning Document 2013.

- 1.11 In 2016, planning permission (Ref: 2015/05644/FUL) was granted for the installation of a new vent grille at basement level to the rear elevation; installation of a kitchen extract duct at the rear of the property for new kitchen at basement level.
- 1.12 In 2014, planning permission (Ref: 2014/04145/FUL) was granted for the erection of 2 additional floors at roof level to provide a third and 4th floor level, in connection with its use as D1.
- 1.13 In 2014, planning permission (Ref: 2014/01135/FUL) was granted for the installation of grilles in the rear and flank elevations at basement level to provide ventilation and extract ducting for new kitchen.
- 1.14 In 2005, planning permission (Ref: 2005/01914/FUL) was granted for the change of use from Offices (Class B1) to Medical Centre (Class D1(a)).
- 1.15 In 2005, planning permission (Ref: 2005/00060/FUL) was granted for the use for the provision of education.

## **2. PUBLICITY AND CONSULTATION**

### **Pre-Application Engagement**

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the applicant undertook pre-application advice with the Local Planning Authority. A pre-application response letter was issued in April 2024. The officers advised that the scheme was acceptable subject to further information regarding marketing for alternative uses and that a s106 financial contribution would be sought to mitigate harm.

### **Application Stage**

- 2.2 The application was publicised by way of site and press notices. Notification letters were also sent to 64 neighbouring addresses. In response, no public representations have been received.
- 2.3 The Metropolitan Police Secure by Design Team advised that further information is required to complete their review. A condition has been attached to secure this.
- 2.4 Thames Water have raised no objections subject to informatives and conditions regarding surface water and foul water.

### **3. POLICY CONTEXT**

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.
- 3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (Section 38 (6) of the 2004 Act as amended by the Localism Act).
- 3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

#### **National Planning Policy Framework (2024)**

- 3.4 The National Planning Policy Framework - NPPF (as updated December 2024) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

#### **The London Plan (2021)**

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

## **The Local Plan (2018)**

- 3.7 The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG)/Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018) and the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) include:
- land use;
  - quality of accommodation;
  - design, character and heritage;
  - neighbouring amenity;
  - transport and highways;
  - environmental considerations and;
  - planning obligations.

## **4. LAND USE**

### **Community Use (Loss of School Use)**

- 4.1 London Plan Policy S1 (G) (Developing London's social infrastructure) states that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan. Similarly, London Plan Policy S3(C) (Education and childcare facilities) requires that development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need.
- 4.2 Policy CF1(6) of the Local Plan which also seek to protect existing community facilities in the borough unless there is clear evidence that there is no longer an identified need for a particular facility or service, or where that facility or service can be appropriately replaced or provided elsewhere in the locality. Local Plan Policy CF2 makes clear that where a community use is being lost the Council will

require a viability report demonstrating that the facility or an alternative community use is not economically viable, including evidence of active and appropriate marketing for a continuous period of at least 12 months.

- 4.3 The lawful use of the site is for educational purposes (Class F1). However, the building has not been used as a school annexe since around 2021. The site was not originally built as a school, rather it was subject to a change of use from an office use (ref 2005/00060/FUL). When permission was granted for the change of use, the lack of open space/ play areas normally associated with a school was acknowledged as physical site constraint. In this case, it was considered acceptable on the basis that the building had been vacant since 2001 and had been unsuccessfully marketed since that time. Detailed evidence of the nature, extent and results of the marketing were submitted in support of the application (which also included the refurbishment of the building). At that time the development plan allowed for other "non-residential uses that provide significant employment" in certain circumstances, and the proposals were considered to meet those criteria. The officer report sets out problems letting the building over the previous 4 years and concluded that there was no evidence to suggest that this situation would change in the near future. It was considered that the proposed education use would generate a significant level of employment.
- 4.4 The property has been vacant since 2020. Prior to the grant of planning permission in July 2022 (ref No.2022/00090/FUL) for a change of use from a school (Class F1(a) to a Day Nursery Use Class E(f) the prospective tenant withdrew their interest and the applicant subsequently continued to market the property for that purpose in addition to a school use. Similarly, when planning permission (Ref: 2022/02379/FUL) in October 2022 for a change of use from a school use (Class F1(a)) to a Medical or Health Service Use (Class E(e)), the submitted marketing information demonstrated that the property had been marketed for use as a school since August 2020 and had attracted no interest for that purpose".
- 4.5 The current application includes additional marketing information which shows that the whole property has been fully marketed for an extensive period to for alternative, educational, office, medical and day nursery uses and there has been little interest with no progression in all cases.

Officers consider that the applicant has provided sufficient evidence to demonstrate that the loss of the community use in this case is acceptable as there is no longer a demand for its use.

- 4.6 The proposals would accord with London Plan Policies S1 and S3 and Local Plan Policies CF1 and Policy CF2.

### **Proposed commercial use (ground and basement)**

- 4.7 Local Plan Policy E2 states that the Council will require the retention of land and premises capable of providing continued accommodation for employment or local services.
- 4.8 The marketing evidence suggests that a commercial use is viable at ground floor and this would maintain an active frontage. The proposed mixed use with commercial at ground and basement floors (Class E) is considered acceptable as it would introduce an active frontage.
- 4.9 Overall, the proposals accord with Local Plan Policy E2.

### **Residential (C3) Use**

- 4.10 Section 5 of the NPPF (Delivering a sufficient supply of homes) requires local planning authorities to significantly boost the supply of housing. The need for housing is also 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.
- 4.11 The proposed development would contribute a net addition of 7 self-contained residential units and would meet an identified housing need.
- 4.12 Overall, the development would accord with London Plan Policy H1 and Local Plan Policy HO1.

### **Housing Mix**

- 4.13 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.14 The proposed development would comprise 7 units (6 x 2-bed and 1 x 1-bed unit). In this case, the mix is considered appropriate due to the close proximity of this physically constrained site to Fulham Town Centre, where a higher proportion of smaller non-family sized units is acceptable.
- 4.15 The proposed housing mix would accord with Policy HO5 of the Local Plan.

### **Conclusion on Land Use**

- 4.16 Overall, it is considered that there is sufficient justification to allow a change of use to a mixed use residential led development with commercial at ground floor and basement. This underutilised site has been vacant for several years and marketing for alternative uses has proved unsuccessful; the site is not ideal location as a school

use due to its physical constraints which do not include any outside play areas. The proposed uses would activate this redundant site with an active frontage at ground floor and contribute to the Bourgh's need for increased housing supply.

- 4.17 The proposed development therefore complies with Policies S1, S3 and H1 of the London Plan and Policies CF1, CF2, E2, HO1 and HO5 of the Local Plan.

## **5. QUALITY OF ACCOMMODATION**

### **Space Standards**

- 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.
- 5.2 Policy D6 of the London Plan also sets the minimum Gross Internal Area (GIA / floorspace) in line with the Technical Housing Standards - Nationally Described Space Standard (NDSS) for new dwellings. The proposals include the following unit sizes:
- Apt 1.01, 2B / 4P:1 storey approx. 70sqm GIA (complies,70 sqm min)
  - Apt 1.02, 2B / 3P:1 storey, approx. 62.3sqm GIA (complies, 61sqm min)
  - Apt 2.01: 2B / 4P: 1 storey, approx. 70sqm GIA (complies, 70sqm min)
  - Apt 2.02, 2B / 3P: 1 storey, approx. 62.3sqm GIA (complies, 61sqm min)
  - Apt 3.01, 2B / 4P:1 storey, approx. 70sqm GIA (complies, 70sqm min)
  - Apt 3.02, 1B / 2P: 1 storey, approx. 60.2sqm GIA (complies. 50sqm min)
  - Apt 4.01, 2B / 3P: 1 storey, approx. 61.5sqm GIA (complies,61sqm min)
- 5.3 All the proposed units would meet and exceed their minimum GIA/floorspace requirement as set out in London Plan, the NDSS and Key Principle HS2 of the 'Planning Guidance' SPD. The development is also compliant with the Technical Housing Standards in terms of minimum room sizes, storage space and floor-to-ceiling heights.
- 5.4 Regarding external amenity space, Policy D6 of the London Plan requires a private space of at least 5sqm (plus an extra 1sqm per additional occupiers) which is at least 1.5m deep. Each flat would benefit from a balcony proposed at the rear elevation and they would range between a size of 7.7sqm to 9sqm. The proposed self-contained flats would meet the required standards for private external amenity space.



## **Outlook and Daylight to Habitable Rooms**

- 5.5 Local Plan Policy HO11 states that new housing is of a high standard and provide housing that will meet the needs of future occupants.
- 5.6 All the proposed units would be dual aspects with a north/south orientation and benefit from a number of openings of adequate scale to allow sufficient level of daylight internally and provide adequate levels of outlook, especially in the habitable rooms. The units would also have a mainly open plan layout in the kitchen/dining/living space maximising the daylight distribution within the main habitable spaces.

## **Noise and Disturbance**

- 5.7 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."
- 5.8 The application has been reviewed by the Council's Environmental Protection Team who raised no objection, subject to conditions to include adequate noise mitigation measures and separation between commercial and residential uses, prevent undue nuisance and ensure that the commercial use includes adequate installations for noise abatement.

## **Accessibility**

- 5.9 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.
- 5.10 The proposed development includes a fully wheelchair accessible unit (Apt 3.02) on the third floor and the building would be served by a lift facility. The remaining 6 units would meet the M4(2) standards which is also a positive approach in this case.
- 5.11 The proposals accord with London Plan Policy D7.

## **Conclusion on Quality of Accommodation**

- 5.12 Overall, it is considered that subject to conditions the proposed scheme would provide suitable standards of accommodation as housing units within the borough. This would accord with Local Plan Policies HO4 and HO11, London

Plan Policies D6 and D7, the Mayor's Housing Design Standards LPG and the Nationally Described Space Standards (Technical Housing Standard).

## **6. DESIGN AND HERITAGE**

- 6.1 The NPPF recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3 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 DC4 of the Local Plan states that the council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
  - successfully integrated into the architectural design of the existing building; and
  - subservient and should never dominate the parent building in bulk, scale, materials or design.
- 6.5 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.
- 6.6 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial, the proposed development should be considered in respect of para. 214 of the NPPF and if the harm is less than substantial, the development should be considered in respect of para. 215 of the NPPF, harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In terms of harm to non-designated heritage assets, paragraph 216 of the NPPF, advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.7 There is a duty imposed by Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. 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 The Council's 'Planning Guidance' Supplementary Planning Document (2018) is also relevant, in particular Key Principle BM2 covers proposals affecting locally listed Buildings of Merits and states that development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artifacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit. Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets), AH2 (Protection of Heritage Assets), CAG1 (Land Use in Conservation Areas) and CAG2 (Urban Design in Conservation Areas) are also applicable in this case. These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.
- 6.9 The site lies on the northern edge of Moore Park Conservation Area and the CA character profile states that the character of the Conservation Area is derived in part from the groups of terraces and set piece developments and their uniform appearance and form. Alterations to buildings can have a particularly damaging effect on this, destroying the homogeneity. The massing and rhythm of the buildings within a street is a key element in defining its character. Extensions and alterations to properties should not visibly affect their scale, rhythm and massing when seen from the street or any public space and should not be excessive additions to the properties.
- 6.10 The development would also affect the setting of adjacent heritage assets, with the neighbouring building 525 – 531 Fulham Road being a locally listed, (Building of Merit) and the development opposite, is a Grade II Listed Building the Sir Oswald Stoll Foundation southern block, gates, gate piers, wing walls and railings facing Fulham Road. The Historic England Listing Entry explains the listing is for its architectural interest in the revived English Baroque style of Christopher Wren and also its historic interest as the building is a testament to the desire to house and care for servicemen after the First World War and was

founded as a result of the charity of many individuals and institutions across England.

- 6.11 The proposals make limited changes to the frontage of the building, retaining its character and architectural detailing. Most of the changes to enable the change of use to residential include the removal of an existing large, projecting metal staircase at the rear which connects the ground floor to the fourth floor of the building, this staircase is located at the western rear corner of the site, to the side of an original rear projection of the same height.
- 6.12 The proposed rear extension would replace the existing, projecting staircase and it is designed with an undercroft beneath, at the ground floor would include a void with the extension above supported by two pillars. The extension would infill this area at upper floors, respecting the building line of the existing rear offshoot. At floors 1 to 3 this would creating additional internal space of approx. 10sqm to each unit, and at upper floor, this would provide an external roof terrace, enclosed by tile hung, pitched roof detailing with emulate the pitch of the existing roofscape.
- 6.13 The proposed structure would have some visibility in surrounding views along Fulham Road, however given the detailing of the proposal, complementing the host property, this is considered to be beneficial when considered in comparison to the canopy of the current external stairwell; which is highly visible and incongruous in these views.
- 6.14 It is further proposed to install bolt-on metal balconies/terraces at first, second and third floor levels to both the rear façade of the building and the façade of the rear offshoot. These would be stacked vertically and supported by metal posts from the ground level. Each balcony is designed with vertical metal balustrades to be painted black, creating a coherent appearance across the rear façade. The balconies are modest in depth, well-proportioned and sensitively stacked in a uniform arrangement without overwhelming the rear elevation of the building. More broadly, the proposed balconies would constitute visually recessive and subtle additions which do not compete with the historic brickwork on the elevation.
- 6.15 Other minor alterations are proposed including the installation of 2no. air source heat pumps and these would be located within the rear yard on the ground floor rear elevation wall-mounted at approx. 2.7m high. A metal door, decking, balustrade, steps, cycle gutter, and roller shutter are also to be included around the same location to the rear ground floor elevation. Given the discreet location at the rear, there would be only neutral impacts from these aspects of the proposals.

- 6.16 At the front elevation, it is proposed to create a new residential entrance along with the erection 1.8m high security gate in connection with the formation of a gated side access for cycle parking, cycle and bin stores at ground floor level. The new residential entrance would involve altering part of the glazing on commercial frontage by changing the glass panels to include a glazed door. This would be somewhat similar to the existing entrance and therefore maintain consistency and cohesiveness along the front elevation. The new gate although slightly higher than normally recommended at the front, would not create a strong and defensive character, given there have been something of a similar height in this location for some time now and this part of the streetscene is not characterised by noticeable gaps between buildings.
- 6.17 Given the modest scale and situation of the proposals to the rear of site, officers consider that the scheme would have no impact upon the setting of the Grade II Listed, Sir Oswald Stoll Foundation southern block, and would result in minor beneficial changes to the setting of the adjacent locally listed, (building of merit), through removal of a visually distracting element within views of this building along Fulham Road. Similarly, the proposals are considered to not have any harmful impacts and would preserve the character and appearance of the Moore Park Conservation Area.

#### Conclusion on Design, Character and Heritage

- 6.18 Overall, the proposed development would have limited impact upon the character of the host building and its façade fronting Fulham Road, the extensions and other alterations to facilitate residential use of the site, are largely located to the rear of the development, and would have limited impacts overall.
- 6.19 As such, the proposed development would not impact upon the character and appearance of the Moore Park Conservation Area and would not result in harm to the setting of adjacent heritage assets including the Grade II Listed Building, Sir Oswald Stoll Foundation southern block, and the adjacent locally listed, (building of merit) 525-531 Fulham Road. The proposed development is considered acceptable with due consideration of s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would be in accordance with the NPPF (2024), London Plan (2021) and Local Plan (2018) Policies DC1, DC4 and DC8

## **7. NEIGHBOUR AMENITY**

- 7.1 Policies DC1, DC4, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

- 7.2 Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the 'Planning Guidance' SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.3 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.
- 7.4 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 7.5 The closest residential properties are at No.515 Fulham Road, 73-77 Fulham Road, 525-527 Fulham Road and the Oswald Stall buildings.
- 7.6 To east No.515 Fulham Road is a three-storey building which includes a Public House at ground floor and residential on the upper floors. There are no habitable rooms windows in the flank elevation of that property facing the site. Also, the windows in the main rear elevation of No.515 would be at an oblique angle and are positioned some 18m from the proposed rear extensions on the application site.
- 7.7 To the south, Nos. 73 – 77 Britannia Road is a two-storey building comprising flats. Notably, the opposing rear elevation does not include any windows.
- 7.8 To the west, lies 525-527 Fulham Road, a three-storey building in residential use as flats. That building follows a similar front and rear building line to application site, and there are no windows in its opposing flank elevation and the windows to the rear are positioned at an oblique angle and do not face the application site. Beyond this, is a four-storey commercial office building at No.7 Waterford Road.
- 7.9 To the north, on the opposite of Fulham Road is Oswald Stall Mansions, a 4-storey flatted development in residential use. The opposing front elevation of that property is some 30m from the application site.

### **Daylight and Sunlight**

- 7.10 Policy D6 of the London Plan, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity space. There are no specific policies about daylight, sunlight or overshadowing in the Local

Plan Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.

- 7.11 Policy DC1 (Built Environment) require development to be well designed and respect of the principles of good neighbourliness. Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.12 Although, no daylight and sunlight assessment has been submitted with the application. Officers have carried out their own assessment. There are no habitable windows to the east or south and the to the north the opposing windows are some 30m away.
- 7.13 The proposed three storey rear extension would be sited to the rear of the existing building on its south-west corner of the existing building. This extension would be adjacent to the rear and side elevations of Nos.525-527 Fulham Road which lies to the immediately west.
- 7.14 The BRE (Building Research Establishment) includes a 45-degree rule, to assess the potential impact of a new development on neighbouring properties. This involves drawing a 45-degree angle from the centre of a neighbouring window, and if the new development extends beyond that line, it may be deemed to adversely affect daylighting. In this case, the closest property to the proposed 3m deep extension to the rear of the application property is at No.525-527 Fulham Road. That property includes a flat at second floor which has patio doors that serve habitable rooms; however, those patio doors are positioned are positioned 50-degrees from the proposed third and fourth floor of the proposed extension. The existing patio doors fall outside of the minimum 45-degrees recommended in the BRE guidance. Officers consider that the proposed extension at 3m deep is modest and it's siting at an oblique angle away from the top floor flat at No.525-527 would not result in any undue impact in terms of daylight and sunlight.

#### Conclusion on Daylight and Sunlight

- 7.15 Based on the site-specific context the proposals would not cause any noticeable undue daylight and sunlight to the residential properties.
- 7.15a The proposals would accord with London Plan D6, Local Plan Policies HO11, DC1 and DC4.

## **Outlook and Sense of Enclosure**

- 7.16 The 'Planning Guidance' SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.
- 7.17 The proposed three storey rear extension would be sited to the rear of the existing building on its south-west corner of the existing building. In this case, there are no habitable windows to the east or south and to the north the opposing windows are some 30m away. This closest property to the extension, is the second floor flat Nos.525-527 Fulham Road which lies some 3m to the west; there are no windows in the opposing side elevation of that property and the windows in the rear of that property would be at an oblique angle. The proposed extension would not breach the 45 degree rule under Key Principle HS6.
- 7.18 The proposals do result in an acceptable outlook and sense of enclosure and accord with Policy HO11 and SPD Policy HS6.

### Conclusion on Outlook and Sense of Enclosure

- 7.19 Overall, the proposed development would fall within acceptable limits in terms of outlook and sense of enclosure on neighbouring properties in accordance with Key Principles HS6.

## **Privacy**

- 7.20 The 'Planning Guidance' SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.21 No new windows would be positioned within 18m from existing habitable room windows as measured from an arc of 60 degrees.



### Conclusion on Privacy

- 7.22 The proposal accords with Policy HO11 and Key Principle HS7 of the Planning Guidance SPD.

### **Noise**

- 7.23 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 7.24 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.
- 7.25 For developments that have the potential to increase noise or vibration levels Planning Guidance SPD Key Principle NN1 requires the submission of a noise and/or vibration survey and report. SPD Key Principle NN4 requires all noise generating uses, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria in order to protect residential and other noise sensitive amenity.
- 7.26 Key Principle HS8 of the 'Planning Guidance' SPD requires all residential roof terraces to be limited to no more than 15sqm so as to restrict the way it is used in terms of number of people who can use it and the activities it can be used for.
- 7.27 The proposed roof terraces would have a size of less than 15sqm (8sqm and 9 sqm respectively) which would limit the amount of people that can congregate on them and limit potential adverse noise impact on sensitive residential receptors.
- 7.28 Regarding noise during the construction phase, conditions would be attached to secure the submission of details for management plans, to control and limit potential nuisance during this phase.
- 7.29 The Council's Environmental Protection Team have considered the proposals and have recommended that various conditions be attached to ensure that the living environment for future residential occupiers are safeguarded through appropriate mitigation. Subject to these conditions the proposals are considered satisfactory.

### Conclusion on Noise

- 7.30 It is considered that the proposed development would not result in any undue noise impact on residential occupiers subject to conditions. The development accords with Local Plan Policies CC11 and CC13, as well as Key Principle HS8 'Planning Guidance' SPD.

#### General Conclusion on Neighbouring Amenity

- 7.31 Overall, 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, noise and disturbance. In this regard, the proposed development complies with Policies DC1, DC4, HO11, CC11 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

## **8. TRANSPORT AND HIGHWAYS**

- 8.1 Paragraph 115 of the NPPF states that in assessing applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and that safe and suitable access to the site can be achieved for all users.
- 8.2 Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. 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.
- 8.3 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'.
- 8.4 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.

- 8.5 The above policies are supported by Key Principles TR1, TR4, TR7, TR21 and TR27 of the 'Planning Guidance' SPD. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

### **Car Parking**

- 8.6 Policy T4 of the Local Plan specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available or in locations where the PTAL rating is 2 or lower (TfL's public transport accessibility level). Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.
- 8.7 The site has a PTAL rating of 6a meaning it has excellent access to public transport options. Therefore, to avoid exacerbating existing levels of parking stress and congestion, and to help with air quality improvement from vehicle emissions, officers consider that car parking permit restrictions for future occupants of all the proposed residential units would be required. This will be secured by a legal agreement to prevent parking permits eligibility within all of the borough's Controlled Parking Zones for all future residents of the proposed development, except those in possession of a blue badge for disabled parking.

### **Cycle Parking**

- 8.8 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:
- 1 space per studio unit or 1-person, 1-bedroom dwelling
  - 1.5 spaces per 2-person, 1-bedroom dwelling
  - 2 spaces per all other dwellings.
- 8.9 The submitted Transport Statement and plans indicate where the cycle storage facilities would be located externally within dedicated storage space internally and externally on the ground floor for residential and commercial use, as well as for visitors. The proposals are acceptable subject to details regarding secure, sheltered and accessible provision. These details will be secured via condition to ensure that proposed cycle parking/storage accords with requirements in the London Plan.

## **Refuse, Recycling and Servicing**

- 8.10 The submitted drawings and Transport Statement address the requirements for refuse and recycling storage and servicing arrangements. Adequately sized refuse storage would be provided on site in dedicated stores and no resident would have to walk more than the recommended distance of 25m to carry their waste. A separate refuse area has been designated for waste from the commercial use away from the residential use. Delivery and servicing vehicles can access the site through the access from Fulham Road. These arrangements are considered acceptable and would be secured by condition.

## **Construction Logistics/Management Plan (CLP)**

- 8.11 In order to assess and minimise the impact of the construction of the proposed development on the local highway network, the submission of a Construction Logistics Plan is required to include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the transfer of mud and dirt onto the highway/footway. The CLP would also cover other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the Council. Subject to a condition securing a detailed CLP, officers consider that the proposals would not unduly impact the nearby highway network during the construction phase.

## **Conclusion on Transport and Highways**

- 8.12 Overall, there are no objections to the proposed development from a transport and highways perspective. Therefore, subject to the outlined conditions, the scheme would accord with the relevant transport policies of the London Plan and the Local Plan.

## **9. ENVIRONMENTAL CONSIDERATIONS**

### **Flood Risk / Sustainable Drainage (SuDS)**

- 9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable surfacing should normally be resisted unless they

can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

- 9.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 9.4 The site lies within a Flood Risk Zone 3; however, all the proposed residential units would be on the upper floors and there are no alterations to the existing basement which is for a commercial use and therefore considered as a less vulnerable use. There are also very limited opportunities for sustainable drainage (SuDS) measures on site as the site is densely built and fully covered in hard surfacing. Hence, a Flood Risk Assessment is not strictly required in this case. However, informatives on water efficiency and low scale SuDS measures will be attached.

### **Ecology**

- 9.5 Local Plan Policy OS4 states that nature conservation areas and green corridors identified on the Policies Map (and shown on Map 7 and listed in Appendix 4) will be protected from development likely to cause demonstrable harm to their ecological (habitats and species) value.
- 9.6 The Council's Ecology Team have reviewed the application and stated that the proposed works are predicted to have a negligible impact on wildlife. In the event that any bat, bat roost or bird nest is suspected or discovered during works, then works must immediately cease and a licensed ecologist must be consulted. An informative would be attached to the permission.

### **Air Quality**

- 9.7 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) 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.
- 9.8 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

- 9.9 Local Plan Policies CC1 and CC10 seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 9.10 Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this. A borough wide Air Quality Management Area is in place within the borough.
- 9.11 The Council's Air Quality Team were consulted on this application and raised no objection, subject to conditions to secure Ventilation Strategy, Indoor Air Quality, Zero Emission Heating, Waste Water Heat Recovery System and an Ultra Low Emission Strategy. Where reasonable and appropriate, these conditions would be applied to the permission. However, given the proposals would largely use the existing building as it is, save for the extension which is considered only a modest addition. In this case not all of these conditions are reasonable and only a ventilation strategy condition for the front windows (given they face a busy road) and a condition for new heating systems for the proposed flats can be justified for the residential use and the Ultra Low Emission Strategy for the commercial use.

### **Sustainability and Climate Change**

- 9.12 London Plan Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.
- 9.13 London Plan Policy SI 4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.
- 9.14 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy

policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.

- 9.15 The proposals largely involve the re-purposing of an existing vacant and underused building (725 sqm); the proposed extensions (approximately 40 sqm GIA) represent a modest 0.6% increase in additional floorspace. Repurposing existing buildings is a key strategy in tackling climate change, as it reduces the need for new construction and minimizes associated carbon emissions. The existing buildings can be retrofitted with energy-efficient technologies like insulation, updated heating and cooling systems, and smart building controls to reduce their energy consumption and carbon footprint.
- 9.16 The application submissions note that the proposed development has considered the inclusion of sustainability measures such as energy (including air source heat pumps) and water efficiently improvements where feasible. The proposals include the installation of 2 new Air Source Heat Pumps (ASHP), to serve the main building; these will help to reduce CO2 emissions for the site. The implementation of the measures would be secured by condition.
- 9.17 The proposals are considered acceptable in this case and accord with the London Plan Policies SI 2 and SI 4, and Local Plan Policies CC1 and CC2.

## **10. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS**

### **Mayoral and Local CIL**

- 10.1 In this case, the proposed development would be liable to pay Community Infrastructure Levy (CIL) at both the mayoral and borough levels. The Mayoral CIL (MCIL2) rates are applicable to all planning permissions granted from 1 April 2019. The Mayor expects the Council, as the collecting authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £75,280 (plus indexation).
- 10.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule formally took effect from 1<sup>st</sup> September 2015. This

development is liable for an estimated Borough CIL of approximately £280,400 (plus indexation).

### **S106 Heads of Terms**

- 10.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 10.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.
- 10.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms which are the Community Infrastructure Levy (CIL) and Section 106 Agreements.
- 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 can 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) Restriction of on-street car parking permit in borough CPZs save for blue badge holders (disabled parking);
- 2) Secure a £100,000 financial contribution towards public realm improvements, community safety measures local employment, training and local businesses including
  - To support delivery of Upstream London, the Council's Industrial Strategy for inclusive economic growth (or any successor to it), including to support employment, skills and local procurement activities.
- 3) A commitment to meet the costs of the Council's associated legal fees.

## **11. CONCLUSION**

- 11.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as relevant guidance.
- 11.3 In summary, the proposals would contribute toward an identified housing need and local housing target by optimising an existing site capacity, that would maintain an existing commercial use which provides local employment which helps to mitigate the loss of community space. This is supported in principle.
- 11.4 The proposed development is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the host Building of Merit, the Conservation Area and adjacent Listed Building. Subject to conditions, the proposals would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters 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) Supplementary Planning Document.
- 11.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

11.6 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.