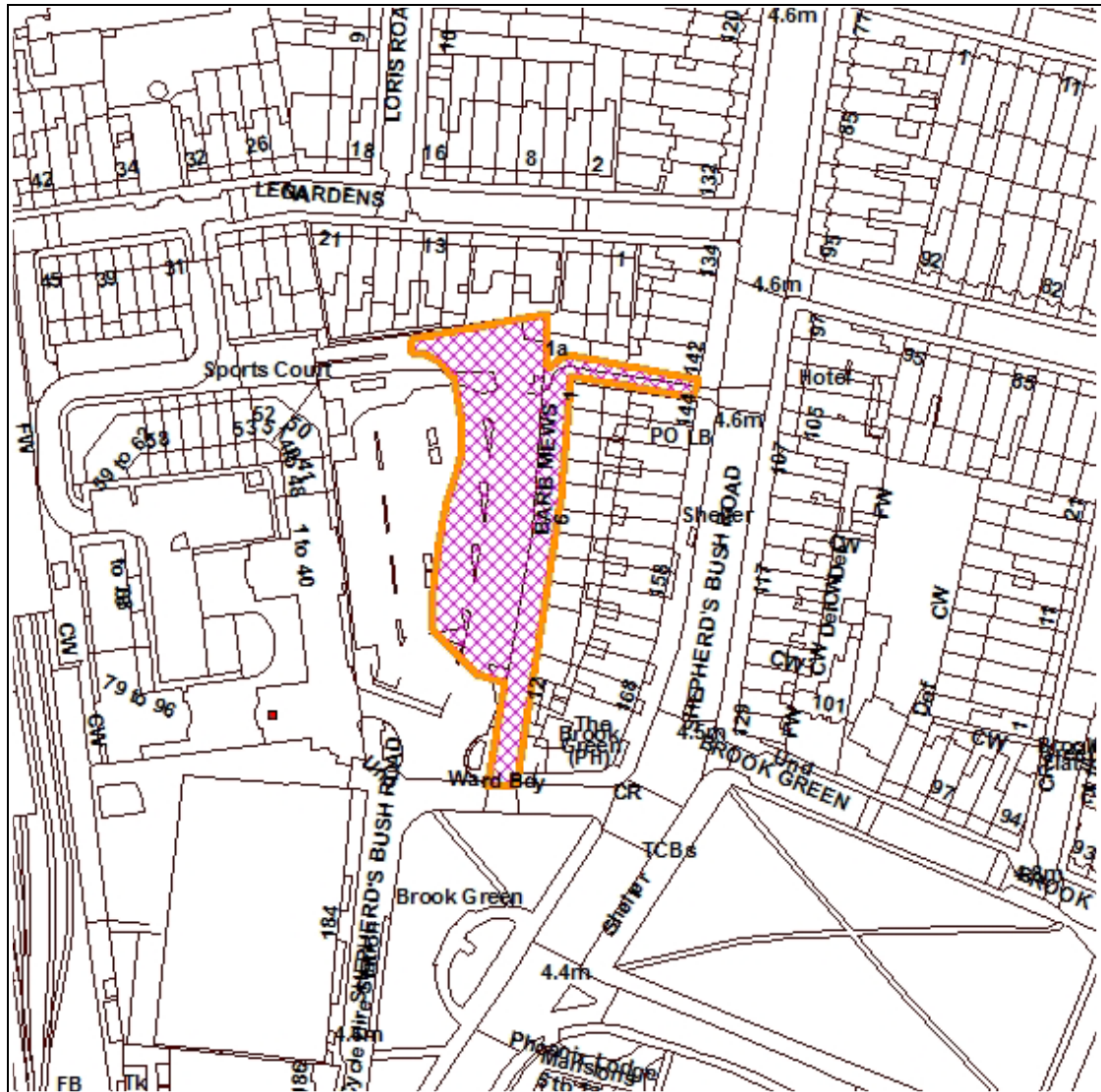

Ward: Addison

Site Address:

Tesco Car Park Brook Green 180 Shepherd's Bush Road And
Opposite 1 - 12 Barb Mews London
W6



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For identification purposes only - do not scale.

Reg. No:
2024/01344/FUL

Case Officer:
Elliot Brown

Date Valid:
22.07.2024

Conservation Area:
Constraint Name: Brook Green Conservation Area
- Number 3
Constraint Name: Melrose
Conservation Area - Number 26

Committee Date:
16.09.2025

Applicant:

Site Acquisitions Ltd And Tesco Stores Ltd
C/O Agent hgh Consulting 45 Welbeck Street London
W1G 8DZ
England

Description:

Redevelopment of part of surface car park comprising the erection of a part two, part three storey building to provide 11 single family dwellinghouses (Class C3) and erection of part one, part two storey building to provide 1 single family dwellinghouse (Class C3); associated landscaping, boundary treatments, the creation of a footpath fronting Barb Mews, formation of cycle parking, refuse and recycling storage and one off street car parking space.

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

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

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

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

Drawings

2373-EXA-00-GF-DR-L-00001 REV P01; 2373-EXA-00-GF-DR-L-00101 REV A; 2373-EXA-00-GF-DR-L-00202 REV P01; 2373-EXA-00-GF-DR-L-00701 REV A; 2373-EXA-00-GF-DR-L-601 REV A; 2373-EXA-00-GF-DR-L-602 REV A; 2373-EXA-00-GF-DR-L-603 REV A; 2373-EXA-00-GF-DR-L-00701 REV A;

HT.01 REV C; HT.02 REV B; HT.03 REV B; HT.04 REV B; HT.05 REV B; HT.06 REV A; HT.07 REV A;

PP.100 REV A; PP.101 REV B; PP.102 REV B; PP.103 REV B; PP.104 REV B; PP.105 REV A;

PP.200 REV A; PP.201 REV B; PP.202 REV B; PP.203 REV B; PP.200 (Coloured proposed Barb Mews Elevation); PP.202 (Coloured Proposed Tesco Elevation);

PP.300 REV B; PP.301 REV B; PP.302 REV B; PP.303 REV B; PP.304 REV B; PP.305 REV A.

Documents

Air Quality Assessment (Ref. BMH-BWB-ZZ-XX-LA-RP-0001_AQA, REV 4.0, dated May 2024) prepared by BWB Consulting;

Arboricultural Impact Assessment (Ref. P112jrMay24FV02_AIA, Issue V2, dated May 2024) prepared by Arborclimb Consultants;

Circular Economy Statement (Ref. BMH-BWB-ZZ-XX-T-EC-0001_Circular Economy Statement, REV P03, dated May 2024) prepared by prepared by BWB Consulting;

CIBSE TM59/ Approved Document Part O 2021 Overheating Assessment (Ref. BMH-BWB-ZZ-XX-RP-ME-0002_CIBSETM59 Overheating Assessment, REV P04, dated May 2024) prepared by BWB Consulting;

Daylight and Sunlight Report (dated 10th May 2024) prepared by Consil;

Delivery and Servicing Plan (dated May 2024) prepared by YES Engineering Group Limited;

Ecological Impact Assessment (Ref. BMH-BWB-ZZ-XX-T-EE-0002_Ecological Impact Assessment, REV P02, dated May 2024) prepared by BWB Consulting;

Energy and Sustainable Design Statement (Ref. BMH-BWB-ZZ-XX-RP-ME-0001_Energy and Sustainability Statement, REV P04, dated May 2024) prepared by BWB Consulting;

Flood Risk Assessment and Sustainable Drainage Strategy (Ref. 425.064494.00001, REV 01, dated 1st May 2024) prepared by SLR Consulting Limited;

Heritage Statement (dated May 2024) prepared by Heritage Information Ltd;

Landscape Strategy (dated May 2024) prepared by Exterior Architecture;

London Policy D12 (B) Fire Statement (Ref. OF-001386-FSS-01-C, REV C, dated 17th May 2024) prepared by Orion Fire Engineering;

Noise Impact Assessment (Ref. BMH-BWB-ZZ-ZZ-RP-YA-0001_NIA_S0_P02, REV P02, dated May 2024) prepared by BWB Consulting;

Planning Statement (dated May 2024) prepared by HGH Consulting;

Refuse and Recycling Management Plan (dated May 2024) prepared by YES Engineering Group Limited;

Transport Statement (dated May 2024) prepared by YES Engineering Group Limited;

Travel Plan (dated May 2024) prepared by YES Engineering Group Limited;

Townscape Visual Impact Assessment (dated May 2024) prepared by Heritage Information Ltd;

Whole Life Carbon Assessment (Ref. BMH-BWB-ZZ-XX-T-EC-0002-Whole Life Carbon Assessment, REV P03, dated May 2024) prepared by BWB Consulting.

Reason: To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) Prior to commencement of above ground works in the development hereby approved, details (including plan, section and elevation drawings at a scale of not less than 1:20) of external materials and fenestration shall be submitted to, and approved in writing by, the Council. An on-site materials and fenestration sample panel shall be erected for the inspection and approval of the Council in writing prior to the commencement of above ground works in the development hereby approved.

The development shall be carried out and completed in accordance with the approved details and sample panel. 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.

Reason: To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the relevant part of the development, detailed plan, section and elevation drawings (at a scale of not less than 1:20) of typical bays of the front and rear elevations of each house type shall be submitted to, and approved in writing by, the Council. The development shall be implemented in accordance with the approved details and shall thereafter be permanently retained.

Reason: To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, and DC8 of the Local Plan (2018).

- 5) Prior to commencement of the demolition phase of the development hereby approved, a scheme for temporary solid timber hoarded fencing (minimum height 2.5 m) around the perimeter of the site on all site boundaries and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The temporary solid timber hoarded fencing and/or enclosure in accordance with BS 5975-2:2024 shall be installed prior to the start of any site clearance/demolition works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of commercial advertisement hoardings unless the relevant advertisement consent is sought from the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained for the duration of the building works until completion of the development.

Reason: To reduce the air quality impacts of the demolition and construction phases of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 6) Prior to the commencement of the demolition phase (excluding installation of hoarding and Dust Deposition monitors around the perimeter of the site) of the development hereby approved, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'B' shall be submitted to and approved in writing by the Local Planning Authority. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

Reason: To reduce the air quality impacts of the demolition phase of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 7) Prior to the commencement of the construction phase (excluding installation of hoarding and Dust Deposition monitors around the perimeter of the site) of the development hereby approved, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'D' shall be submitted to and approved in writing by the Local Planning Authority. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

Reason: To reduce the air quality impacts of the construction phase of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 8) Within seven days of commencement of the enabling works, site clearance or demolition works of the development hereby permitted, details of the Non-Road Mobile Machinery (NRMM) to be used shall be submitted to and approved in writing by the Local Planning Authority. The NRMM shall have CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage V NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM shall be registered on the London GLA NRMM register GLA-NRMM-Register. Approved details shall be fully implemented and thereafter permanently retained and maintained until occupation of the complete development.

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

- 9) Prior to commencement of above ground works in the development hereby approved, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the twelve 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 World Health Organisation (WHO) Annual Mean Air Quality Guideline Values for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:
1. Details and locations of the ventilation intake locations at rear roof level.
 2. 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.
 3. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) 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_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
 4. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

Reason: To ensure satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

- 10) No piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by, the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

- 11) Prior to commencement of the development hereby approved, 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. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site 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).

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

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

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

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

- 14) Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays with no works permitted on Sundays and 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. Approved details shall be implemented throughout the project period.

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

- 15) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibration will meet a level that has a low probability of adverse impact, and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

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

- 16) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 17) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 18) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 19) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 20) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 21) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy CC9 the Local Plan (2018) and key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 22) The development hereby approved shall not commence until a statement of how secure by design requirements are to be achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out before any use of that part of the development to which the approved details relate.

Reason: To ensure a safe and secure environment, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

- 23) Prior to commencement of any landscaping works, detailed plan, section and elevation drawings (at a scale of not less than 1:20) shall be submitted to and approved in writing by the Council, of the hard and soft landscaping of all areas external to the residential buildings and Barb Mews, including replacement tree planting, boundary treatments and paving. The development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted in the next appropriate planting season.

Reason: To ensure a satisfactory external appearance and biodiversity in accordance with Policies DC2, DC8 and OS4 of the Local Plan (2018) and Policy G5 of the London Plan (2021).

- 24) Prior to commencement of the development hereby permitted, a Construction Logistics Plan (CLP) shall be submitted, in accordance with TfL CLP Guidance, to and approved in writing by the Local Planning Authority. The CLP shall be in accordance with Transport for London Guidance. The CLP shall cover the following minimum requirements:
- a. Community engagement and liaison to be carried prior to submission of the CLP to inform development of the CLP approach. Details of engagement to be submitted as appendix to the CLP to identify concerns raised by residents and how these are addressed
 - b. site logistics and operations
 - c. construction vehicle routing
 - d. Details of the estimated number, size and routes of construction vehicles per day/week details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI, including vehicles compliant with Direct Vision Standard star rating 3
 - e. details of the access and egress arrangements
 - f. delivery locations on the site g. details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
 - h. Efficiency and sustainability measures to be undertaken for the works i. membership of the and details on CLOCS compliant site operations
 - j. Details of any vehicle holding areas, and restriction of vehicle numbers to no more than 4 vehicles maximum in any one hour; and other matters relating to traffic management to be agreed as required.

The works shall be carried out in accordance with the approved CLP. Approved details shall be fully implemented and retained and maintained throughout the construction phase of the development.

To minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with Policy T7 of the London Plan (2021) and Policies T1 and T6 of the Local Plan (2018).

- 25) Prior to first occupation of the 12 residential dwellings hereby approved, a Delivery and Servicing Management Plan (DSMP) developed in accordance with Transport for London guidance shall be submitted to and approved in writing by the Council. The DSMP shall detail the management of deliveries, emergency access, collection of waste and recyclables, location of parking bays and vehicle movements associated with delivery and servicing of the residential units. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

Reason: To ensure delivery and servicing arrangements do not result in detrimental harm to the safe operation of the highway network, in accordance with Policy T7 of the London Plan (2021).

- 26) Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as included in the approved ventilation strategy as required by condition 9, to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To ensure satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

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

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 28) Prior to occupation of the development hereby approved, details of the installation/commissioning including photographic confirmation of the installed Zero Emission MCS certified Air/Water Source Heat Pumps or electric boilers to be provided for space heating and hot water for the twelve self-contained residential units (Class C3) use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 29) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports including photographic confirmation of the installed Waste Water Heat Recovery System (WWHRS) for the twelve self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: In order to increase energy efficiency in domestic buildings and to safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 30) Prior to occupation of the development hereby permitted, details of the installation/commissioning of the installed electric vehicle charging point (minimum 7kW) including location, type and photographic confirmation for the one off-street blue badge car parking space for Unit 12 shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

Reason: To safeguard local air quality in the councils boroughwide air quality management area, in accordance with Policies CC1 and CC10 of the Local Plan (2018) and the councils Air Quality Action Plan.

- 31) Prior to occupation of the detached dwelling (Unit 12) hereby approved, details (including plan, section and elevation drawings at a scale of 1:20 and manufacturer specifications and maintenance details, including measures to ensure that no wheelchair occupiers are trapped if the turntable breaks down) of the proposed vehicular turntable, tactile paving and safety mirror shall be submitted to, and approved in writing by the Council. The approved details shall thereafter be retained and maintained in working order for the lifetime of the development.

Reason: To ensure the safe operation of the public highway, in accordance with Policies T1, T5 and T6 of the Local Plan (2018).

- 32) Prior to occupation of the 12 residential units hereby approved, full details of the cycle storage provision (including design, materials and location) shall be submitted to, and approved in writing by, the Council. The cycle storage shall thereafter be retained for the lifetime of the development.

Reason: To ensure satisfactory standards of cycle parking, in accordance with Policy T5 of the London Plan (2021).

- 33) Prior to the first occupation of the development hereby permitted, a Detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the framework submitted with the application and shall include:

1. Objectives and Targets for sustainable travel modes;
2. Measures to promote walking, cycling, public transport, and other sustainable travel options;
3. Monitoring and Review Mechanisms, including annual surveys;
4. Action Plan with responsibilities and timescales;
5. Details of a Travel Plan Coordinator and their role;
6. Information Pack for residents/employees on sustainable travel options;
7. Arrangements for implementation and enforcement.

The approved Travel Plan shall be implemented in full upon first occupation and maintained thereafter in accordance with the agreed details.

To ensure that the proposal does not adversely impact on the operation of the public highway, in accordance with Policy T4 of the London Plan (2021) and Policies T1, T2 and T7 of the Local Plan (2018).

- 34) Prior to the occupation of the development hereby permitted, the slot windows at ground-floor in the front (east) elevation, the front panel of the oriel windows at first-floor in the front (east elevation) and the ground-floor and first-floor windows in the side (north) elevation of the proposed dwellings [drawing Nos. PP.101 REV B, PP.102 REV B, HT.01 REV C, HT.02 REV B, HT.03 REV B, HT.04 REV B and HT.05 REV B] shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

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

- 35) The terraces hereby approved shall not be first used until the privacy screening has been installed as shown on approved drawing nos. PP.103 REV B, HT.101 REV B, HT.102 REV B, HT.103 REV B, HT.104 REV B and HT.105 REV B. The privacy screen shall have a height of 1.7m above the finished floor level of the terrace along the north, south, east elevations. The privacy screen shall thereafter be permanently retained as approved.

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

- 36) Other than the areas shown as a terrace on the approved plans, no part of the remainder of the roofs of the 12 residential dwellings hereby approved shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roofs. No railings or other means of enclosure shall be erected around the remaining roofs and no alterations shall be carried out to the property to form an access onto these roofs.

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

- 37) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment [Flood Risk Assessment and Sustainable Drainage Strategy (Ref. 425.064494.00001, REV 01, dated 1st May 2024) prepared by SLR Consulting Limited and the Response to Drainage Comments letter (dated 28.10.2024) prepared by SLR Consulting Limited]. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

To limit the impact on flood risk and mitigate the susceptibility of the development to flooding in accordance with Policies CC2, CC3 and CC4 of the Local Plan (2018).

- 38) The residential units at this address shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

Reason: The use of the property as residential units in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8, HO11, CC11, CC13 and T1 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1) Housing supply, affordable housing and standard of accommodation

The proposal would result in the net-gain of twelve (12) family sized residential units, contributing towards the Borough's housing targets and providing four affordable homes. The proposed residential accommodation would be of a high standard, providing unit size, individual room size, floor to ceiling height, outlook and light and amenity space consistent with the London Plan (2021) and the Local Plan (2018). The proposal would be consistent with Section 5 of the National Planning Policy Framework (NPPF, 2024), Policies H1, H5, H6, H10, D6, D13 and D14 of the London Plan (2021) and Policies CC11, CC13, HO1, HO4, HO5 and HO11 of the Local Plan (2018).

- 2) Design and visual amenity

The proposal would introduce new housing which would provide an active frontage to the west side of Barb Mews, with their scale, massing, design and materials compatible with the character and appearance of the surrounding development, in particular the height and massing of the existing two-storey mews buildings on the east side of Barb Mews. Accordingly, the proposal would not harm the significance of the Brook Green Conservation Area or the adjoining Melrose Conservation Area, and the setting of the adjacent Listed Building and locally listed Buildings of Merit would not be harmed. Furthermore, the proposal would provide significant improvements to the public realm which maintaining public access to the existing pedestrian route from the Tesco Supermarket to Barb Mews in perpetuity. The proposal would be consistent with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, Sections 12 and 16 of the NPPF (2024), Policies D3 and HC1 of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 3) Inclusive access

The proposal would ensure that 90% of the residential units are designed to Building Regulation M4 (2) specification and 10% are designed to Building Regulation M4 (3) specification, consistent with Policy D7 of the London Plan (2021) and Policy HO6 of the Local Plan (2018).

4) Neighbouring amenity

The proposal, by reason of its scale, massing and siting, would be considered to mitigate against detrimental harm to the amenity of neighbouring occupants, with regard to outlook, light, privacy, noise and a sense of enclosure, consistent with Policies HO4 and HO11 of the Local Plan (2018).

5) Highways

The proposed residential units would be car free, with the exception of one off-street parking space to provide a blue badge parking space for residential unit 12. A satisfactory provision of short-stay and long-stay cycle parking will be secured by condition. The proposal includes improvements to Barb Mews which would enable emergency vehicles and refuse/recycling vehicles to traverse along Barb Mews, which is not currently possible. Conditions will secure a detailed construction logistics plan and a delivery and servicing plan. The proposal would be consistent with Policies T5, T6 and T7 of the London Plan (2021) and Policies CC7, T1, T2, T3, T4, T6 and T7 of the Local Plan (2018).

6) Environmental matters

Subject to conditions and Legal Agreement, the proposal would mitigate against detrimental harm with regard to air quality, Biodiversity Net Gain, ecology, flood risk, land contamination and trees. This would be consistent with Policies SI 1, G5 and G7 of the London Plan (2021) and Policies CC3, CC4, CC9, CC10 and OS5 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 4th June 2024
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

London Fire And Emergency Planning Authority
Health And Safety Executive Fire Safety
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control
Active Travel England

Dated:

21.10.24
26.07.24
14.08.24
08.08.24
29.07.24

Neighbour Comments:

Letters from:

Dated:

Flat 4 150 Shepherds Bush Road London W6 7PB	23.08.24
Flat B 11, Lena gardens London W6 7PY	11.08.24
15 Lena Gardens London W6 7PY	30.08.24
17 Lena Gardens London W6 7PY	09.10.24
17 Lena Gardens London W6 7PY	27.08.24
17 Lena Gardens London W6 7PY	11.06.25

COMMITTEE REPORT

1.0 SITE DESCRIPTION

- 1.1 This planning application relates to the eastern part of the surface car park of the Tesco store at Brook Green (adjacent to Barb Mews) and would see the erection of twelve (12) residential dwellings on land forming part of Tesco's surface car park. The land is enclosed by the rear boundaries of properties along Lena Gardens to the north, Barb Mews to the east, Shepherd's Bush Road to the south and Nos. 180 and 182 Shepherds Bush Road to the west.
- 1.2 Officers note that the capacity of the car park would be reduced by 55 spaces; from 204 spaces to 149 spaces (factoring in both the retained basement level car parking and the resultant surface level car parking), and this would necessitate the re-configuration of the remainder of the surface car park. The re-configuration of the surface car park is the subject of a separate Planning Application Ref. 2024/01345/FUL.
- 1.3 The site is located within the Brook Green Conservation Area and is adjacent to the Melrose Conservation Area. The site is situated within the setting of the Grade II listed 184 Shepherds Bush Road and within the setting of the retained corner tower of the former Osram factory, now part of Osram Court, 182 Shepherds Bush Road and the Brook Green Hotel, 170 Shepherds Bush Road, both of which are on the Council's Local Register of Buildings of Merit.
- 1.4 The application site has a Public Transport Accessibility Level (PTAL) of 6b rating, indicating excellent public transport accessibility.
- 1.5 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3.

2.0 PLANNING HISTORY

- 2.1 There are a number of planning records related to the application site, with a proportion of this site history relating to advertisement consent applications. Officers consider that the following planning history is of most relevance to the current planning application:

1995/02116/FUL - Formation of a new pedestrian entrance from Barb Mews into Tesco car park. Granted.

2000/03197/FUL - Continued use of the premises as a supermarket (including variation of condition 18 of planning permission RN:1993/ 0584/P to extend permitted trading hours). Granted.

2024/01345/FUL - Reconfiguration of existing store car parking area at ground level to include the creation of new car parking spaces, cycle parking and bicycle racks, formation of pedestrian crossing and associated landscaping. Currently under consideration.

3.0 PROPOSAL

- 3.1 The current planning application seeks planning consent for the erection of twelve (12) residential dwellings on land forming part of Tesco's surface car park. This would consist of a terraced mews of eleven (11) dwellings and one (1) detached dwelling.
- 3.2 The proposed residential dwellings would contain the following unit mix:
- 2 x 4-bed, 7-person dwellings
 - 10 x 4-bed, 8-person dwellings
- 3.3 The proposal would also involve the re-surfacing of the road surface along Barb Mews and the creation of a 1.2m wide footway outside of the existing Barb Mews dwellings and dedicated refuse/recycling and cycle parking provision.

4.0 CONSULTATIONS

- 4.1 The application was publicised by means of a press notice and site notice as well as individual letters sent to neighbouring occupants (373 letters sent). In response to the consultation five (5) objections were received. These can be summarised as follows:
- The proposal will result in detrimental harm to neighbouring amenity, particularly with regard to outlook, noise and disturbance (both during construction works and during operation of the development)
 - The submitted noise assessment is flawed, how can it be possible for a noise survey over a single night to generate a reflective baseline of existing background noise levels;

- The proposal will harmfully exacerbate levels of congestion and parking stress in the locality of the application site.
- The existing pedestrian link between Barb Mews and Tesco will be closed during construction works, and there would be restrictions in the hours of use of the pedestrian link following completion of the development.
- The proposal would provide new opportunities for thieves to scale the walls of the development and access the rears which back onto Lena Gardens.
- Some of the documentation submitted as part of the application was not available for review.

4.2 Officer response: The material planning considerations will be assessed within this report.

External consultee responses:

- 4.3 Active Travel England - comments outline that the proposal does not meet the statutory thresholds for consideration by Active Travel England.
- 4.4 Health and Safety Executive (HSE) - comments outline that the proposal would not fall under the remit of planning gateway one because the height condition of the relevant buildings are not met.
- 4.5 Metropolitan Police (Design out Crime) - No objection, subject to a pre-commencement condition outlining how 'Secure by Design' requirements are to be achieved, and restricting the hours of use of the access alleyway
- 4.6 Thames Water - No objection, subject to a pre-commencement condition relating to a piling method statement.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 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).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (December 2024)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 and 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.
- 5.5 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.

London Plan

- 5.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.

Local Plan

- 5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING CONSIDERATIONS

- 6.1 Officers consider that the proposal would raise the following material planning considerations:

- Land use (housing supply and the loss of part of the car parking arrangements for Tesco);
- Housing mix;
- Affordable housing;
- Quality of the proposed residential accommodation;
- Inclusive Access;
- Design and heritage matters;
- Impact upon neighbouring amenity;
- Highways/parking and waste management;
- Energy and sustainability;

- Trees, Ecology and Biodiversity Net Gain
- Air quality;
- Flood risk;
- Land contamination;
- Fire Safety.

LAND USE (HOUSING SUPPLY AND THE LOSS OF CAR PARKING FOR TESCO)

+ Housing supply

- 6.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2024) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2029. Policy HO1 of the Local Plan (2018) specifies that H&F will seek to provide at least 1,031 new residential dwellings up to 2035.
- 6.3 The proposal would result in the net-gain of twelve (12) self-contained dwellings, which would contribute towards the Borough's housing supply targets. Accordingly, the provision of residential accommodation would be considered acceptable in principle, consistent with Policy H1, Table 4.1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).

+ Loss of car parking for Tesco

- 6.4 The application site is currently in use as part of the car park provision for the Tesco Supermarket. The submitted Transport Statement specifies that 'in order to facilitate this new residential development the Tesco's Superstore car park will lose 55 surface level parking spaces in the east of their car park'. A parking accumulation survey (contained within Appendix B of the submitted Transport Statement) was undertaken on Saturday 16th and Sunday 17th December 2023. This sets out the following breakdown of the 203 parking spaces present:

Standard parking: 178 total spaces (87 surface spaces and 91 underground spaces)

Disabled parking: 8 total spaces (5 surface spaces and 3 underground spaces)

Parent and child parking: 11 total spaces (8 surface spaces and 3 underground spaces)

Electric parking: 4 total spaces (4 surface spaces and 0 underground spaces)

Click and collect: 2 total spaces (2 surface spaces and 0 underground spaces)

- 6.5 The parking survey outlines that the maximum number of cars recorded at the car park during the parking survey was 126 (on Saturday 16th December 2023 at 12 noon), leaving 77 spaces available. Officers consider that the loss of 55 car parking spaces could be accommodated by the remaining car parking provision within the application site, and resultantly officers consider the proposal would not result in significant harm to the level of parking provided for the Tesco Superstore, and satisfactory levels of car parking will be retained.

HOUSING MIX

- 6.6 Policy H10 of the London Plan (2021) outlines that schemes should generally consist of a range of unit sizes, with the appropriate mix of unit sizes informed via regard to a number of factors including:
- Local evidence of need where available;
 - The requirement to deliver mixed and inclusive neighbourhoods;
 - The need to deliver a range of unit types at different price points across London;
 - The nature and location of the site;
 - The need for additional family housing.
- 6.7 Policy HO5 of the Local Plan (2018) sets out that for market housing, a mix of unit sizes including larger family accommodation should be sought, with Paragraph 6.51 of the Local Plan (2018) stating that there is a particular need for more family sized housing (three or more bedrooms) within the borough of H&F, particularly affordable housing. Notably, the council's Strategic Housing Market Assessment (SHMA) has found that 42% of the current affordable/social rented accommodation is one-bedroom properties, and only 24% are properties with three or more bedrooms.
- 6.8 The proposed development focuses on the provision of family sized accommodation and accordingly provides the following unit mix: 12 x 4-bedroom units. The twelve family sized units proposed would contribute towards the particular need for more family sized dwellings within the borough. Accordingly, officers raise no objection to the proposed unit mix, which is considered to be consistent with Policy H10 of the London Plan (2021) and Policy HO5 of the Local Plan (2018).

AFFORDABLE HOUSING

- 6.9 The submitted Affordable Housing Statement outlines that the proposal seeks to provide affordable housing under the 2021 London Plan's 'Fast Track Route'. Fast tracked applications are not required to provide a viability assessment at application stage. Policy H5 of the London Plan (2021) specifies that the threshold level of affordable housing on gross residential development is initially set at:

1) A minimum of 35%; or

2) 50% for public sector land where there is no portfolio agreement with the Mayor;
or

3) 50% for strategic industrial locations, locally significant industrial sites and non-designated industrial sites appropriate for residential uses in accordance with Policy E7 industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity.

6.10 To follow the Fast Track Route of the Threshold Approach, applications must meet all the following criteria:

1) Meet or exceed the relevant threshold level of affordable housing on site without public subsidy;

2) Be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure);

3) Meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant;

4) Demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing

6.11 The proposal provides a total of 4 affordable homes (Houses 1, 2, 3 and 4), which consist of two Type A units (4-bed, 7-person) and two Type B units (4-bed, 8-person). This results in the provision of 35% affordable housing (as measured by habitable room) with a proposed tenure split of 70% low cost rented homes and 30% intermediate homes as shared ownership. Officers note that this would be in accordance with Policy H6 of the London Plan (2021). Accordingly, officers are satisfied with the provision of affordable housing.

QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

+ Unit size and individual room size

6.12 The proposal would involve the creation of twelve (12) new residential units, and accordingly officers consider that the proposed residential units should be assessed against the unit and individual room sizes outlined within Policy D6 of the London Plan (2021). Pages 16 - 20 of the Design and Access Statement specify that the proposed residential units would feature the following gross internal area (GIA). Officers note that the floorspaces have been confirmed via plan measurements:

- House Type A (Houses 1 and 2): Unit size of 141sqm. Complies with the 121sqm requirement of a 4-bed, 7-person unit over 3-storays, as stated by Policy D6 of the London Plan (2021).

- House Type B (Houses 3 and 4): Unit size of 155sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).
- House Type C (Houses 5 - 9): Unit size of 155sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).
- House Type D (Houses 10 - 11): Unit size of 161sqm. Complies with the 130sqm requirement of a 4-bed, 8-person unit over 3-storeys, as stated by Policy D6 of the London Plan (2021).
- House Type E (House 12): Unit size of 188sqm. Complies with the 124sqm requirement of a 4-bed, 8-person unit over 2-storeys, as stated by Policy D6 of the London Plan (2021).

6.13 With regard to internal rooms, Policy D6 of the London Plan (2021) sets out the following standards:

- A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
- A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sqm.
- A one bedspace single bedroom must have a floor area of at least 7.5 sqm and be at least 2.15m wide.
- 3sqm of built-in storage space would be required for the four-bed units.

6.14 The submitted plans and design and access statement confirms that the minimum individual room sizes and built-in storage space requirements would be met. Accordingly, officers consider that the unit and individual room size of the proposed residential dwellings would be consistent with the requirements of Policy D6 of the London Plan (2021).

+ Finished floor to ceiling height

6.15 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height of each dwelling must be 2.5m for at least 75% of each dwelling's GIA. Measurements taken from the proposed section drawings indicate that the proposed residential units would be provided with minimum finished floor to ceiling heights of at least 2.5m for 75% of each dwelling's GIA. Accordingly, the proposed residential units would be provided with a sufficient finished floor to ceiling height to achieve compliance with Policy D6 of the London Plan (2021).

+ Outlook and light

- 6.16 Policy HO4 of the Local Plan (2018) specifies that new housing should provide a high-quality residential environment and be well designed internally and externally. Policy HO11 of the Local Plan (2018) specifies that the Council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard that meets the needs of future occupants. Outlook and light will be important considerations in relation to this.
- 6.17 The applicant has submitted a Daylight and Sunlight Report (dated 10 May 2024) prepared by Consil as part of this planning application, assessing both the levels of daylight and sunlight that would be received to the habitable rooms within the proposed residential units themselves, as well as the proposal's impact on daylight and sunlight amenity to surrounding residential properties (discussed later in report).
- 6.18 The proposal has been assessed against the 'Daylight Factor' methodology specified within the BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, third edition (2022). The results demonstrate that 61 of the 65 analysed habitable rooms assessed would be compliant with the BRE guidance, taking into account the existing mature trees in summer leaf.
- 6.19 There are four rooms which fall short of the BRE guidance illuminance values, and these are ground-floor galley style kitchens, serving units 1 - 4. These are deep and narrow rooms which have well-lit areas directly in front of the windows serving them, and officers highlight that the majority of the kitchen's worktop space would be daylit, whilst the area to the rear of these rooms which receive less daylight contain white goods, which are usually designed to be artificially lit. Officers highlight that the BRE Guidance outlines in Paragraph 1.6 that 'although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'. Officers are satisfied that the provision of daylight to these four galley style kitchens would not result in a detrimental impact to the overall provision of daylight to future occupants of these proposed residential units.
- 6.20 With regard to sunlight, it is recommended that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1st February and 21st March, with cloudless conditions. Paragraph 3.1.2 of the BRE guidance specifies that the main requirement for sunlight is typically in living rooms, with sunlight viewed as less important in bedrooms and kitchens. The submitted Daylight and Sunlight report outlines that 47 out of the 65 habitable rooms would receive a minimum of at least 1.5 hours of sunlight on 21st March.
- 6.21 As noted within Appendix E of the report, a number of the habitable rooms which fall below the recommended sunlight provision are ground-floor kitchens or first and second-floor bedrooms, and accordingly, officers consider that a greater degree of flexibility can therefore be provided, given that future occupants would be expected to spend a greater proportion of their time within the residential units within the main living room area. Regarding the ground-floor rear courtyard external amenity space, the Daylight and Sunlight report outlines that the courtyards would receive a high proportion of sunlight during the summer months, ranging from a 60% - 84% coverage receiving 2 hours of direct sunlight.

6.22 With regard to outlook, each habitable room of the proposed residential units would be directly served by at least one window. It is acknowledged that the first-floor bedrooms fronting Barb Mews would include oriel windows, with an obscure-glazed front window and clear-glazed side returns. This is to mitigate against harmful levels of overlooking to existing residents within Barb Mews. Nevertheless, these particular rooms are dual aspect, with a second window, to the flank elevation of these rooms, proposed to increase the levels of outlook from these rooms. Officers are satisfied that this arrangement achieves a satisfactory balance between ensuring sufficient outlook from these first-floor bedrooms and mitigating against detrimental harm to residents within Barb Mews, in terms of overlooking and loss of privacy.

6.23 Overall, officers are satisfied that future occupants of the proposed residential units would be provided with a high standard of daylight, sunlight and outlook, consistent with Policies HO4 and HO11 of the Local Plan (2018).

+ Noise

6.24 Policy D14 of the London Plan (2021) outlines that residential and other non-aviation development proposals should manage noise to avoid a significant adverse noise impact on health and quality of life. Policies CC11 and CC13 of the Local Plan (2018) also have similar aims, outlining that housing and other noise-sensitive development will not normally be permitted where the occupants/users would be adversely impacted by noise and other nuisances.

6.25 Policy D13 of the London Plan (2018) outlines that the agent of change principle places the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise-sensitive development.

6.26 The proposed residential units would be located in proximity to the existing Tesco Superstore and other surrounding residential and commercial premises. Resultantly it is important that a robust noise assessment of external noise levels is undertaken. Furthermore, noise associated with the operation of the Tesco store should also be taken into consideration when assessing the potential noise impacts on future occupants of the proposed residential units, including the impacts of delivery/servicing noise at the Tesco premise.

6.27 The applicant has submitted a Noise Impact Assessment (dated May 2024) prepared by BWB Consulting, which details the two locations where baseline noise survey measurements were taken. Paragraph 4.1 of the Noise Impact Assessment confirms that the assessment has considered noise from road traffic and customer activity on Tesco car park as the dominant source of ambient environmental noise in the immediate surroundings.

- 6.28 Section 4 of the Noise Impact Assessment acknowledged that the internal noise criteria specified by BS8233: 2014 are likely to be exceeded, assuming partially opened windows for background ventilation purposes. Subsequently, mitigation measures are discussed in Section 5 of the Noise Impact Assessment, and the use of double-glazed windows achieving a minimum sound insulation performance of $R_w + C_{tr}$ 26 dB and full-house mechanical ventilation (to ensure no reliance is made upon openable windows during the night-time) are considered to be necessary. The report concludes by specifying that with mitigation in place, the relevant BS8233: 2014 criteria can be achieved based on the proposed layout. The Council's Environmental Protection have reviewed the submitted Noise Impact Assessment and have sought conditions to ensure that the noise mitigation measures referred to are included within the development.
- 6.29 Key Principle NN3 of the Planning Guidance SPD (2018) specifies that in the design of new residential dwellings, careful consideration should be given to stacking and layout of rooms in relation to adjoining walls, floors and ceilings. To ensure that the amenity of occupiers is not adversely affected by noise, the council expects that all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use. A pre-commencement condition requiring details of enhanced sound insulation of at least 5dB above Building Regulation values between the proposed residential units will therefore be included.
- 6.30 Subject to the above, officers are satisfied that the proposal would prevent future occupants from being exposed to harmful levels of noise and disturbance, consistent with Policies D13 and D14 of the London Plan (2021), Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

+ Amenity space

- 6.31 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the borough development plan documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings, and an extra 1sqm should be provided for each additional occupant. Officers recognise that Key Principle HS1 of the Planning Guidance SPD (2018) sets a higher local standard, with this Key Principle aiming for every new family (3 or more bedrooms) dwelling to have access to amenity or garden space of no less than 36sqm.
- 6.32 In accordance with Key Principle HS1 of the Planning Guidance SPD (2018), each of the twelve (12) proposed residential units would be provided with private amenity space of at least 36sqm. This takes the form of a ground-floor rear garden, and upper-level terrace space (at second-floor level for Units 1 - 11 and at first-floor level for Unit 12). Officers are satisfied that this provision would be appropriate to the type of housing provided, providing future occupants with accessible and good quality amenity space. No objections are raised with regard to Policy D6 of the Local Plan (2021) and Key Principle HS1 of the Planning Guidance SPD (2018).

- 6.33 Overall, officers are satisfied that the twelve (12) residential units proposed would provide future occupants with a high-standard of accommodation, consistent with Policies D6, D13 and D14 of the London Plan (2021), Policies CC11, CC13, HO4 and HO11 of the Local Plan (2018) and Key Principles HS1 and NN3 of the Planning Guidance SPD (2018).

INCLUSIVE ACCESS

- 6.34 Policy HO6 of the Local Plan (2018) and Key Principles DA2 and DA3 of the Planning Guidance Supplementary Planning Document (SPD, 2018) specifies that the Council will seek to secure high-quality accessible homes in all developments that include housing, including:
- 90% of new housing meeting Building Regulation requirement M4 (2) 'accessible and adaptable dwellings';
 - 10% of new housing meeting Building Regulation requirement M4 (3) 'wheelchair user dwellings'
- 6.35 Policy D7 of the London Plan (2021) outlines that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must provide the mixture of M4 (2) and M4 (3) units as specified in the relevant local plan and planning guidance SPD above.
- 6.36 The submitted Accessibility Statement specifies that eleven (11) of the proposed residential units would be designed to M4 (2) specification, with one (1) of the proposed residential units designed to M4 (3) specification. This would be consistent with the requirements of Policy D7 of the London Plan (2021), Policy HO6 of the Local Plan (2018) and Key Principles DA2 and DA3 of the Planning Guidance SPD (2018). As such no objection is raised to this element of the proposal.

DESIGN AND HERITAGE MATTERS

- 6.37 Section 12 of the NPPF (2024) outlines that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. Section 16 of the NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

- 6.38 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 specifies that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] 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 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.'
- 6.39 London Plan (2021) Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 6.40 Policies DC1 and DC2 of the Local Plan (2018) outline the importance of delivering high quality development that improves the quality of the built environment. Amongst other things they require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of bulk, scale, materials, and design.
- 6.41 Policy DC8 of the Local Plan (2018) states that the council will aim to protect, restore and/or enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance Supplementary Planning Document (SPD, 2018) Key Principles AH2, CAG3 and CAG6.
- 6.42 The application site consists of the eastern part of the surface car park of the Tesco supermarket at Brook Green (adjacent to Barb Mews). The Tesco car park part of the application site was formerly part of the Osram Factory, which was redeveloped for a supermarket with housing above, incorporating the corner tower of the former factory which is on the Council's Local Register of Buildings of Merit. The site is located adjacent to the Grade II listed building at 184 Shepherds Bush Road, now in use as offices but which was originally built as a car showroom and garage for the Ford Motor Company. To the east is the Brook Green Hotel, 170 Shepherds Bush Road which is a Victorian public house on the Council's Local Register of Buildings of Merit.

- 6.43 The proposal would result in the disposal of the eastern part of the car park for a proposed housing development fronting Barb Mews. The existing pedestrian route between the Tesco car park and Barb Mews would be secured in perpetuity as a publicly accessible route during the daytime and early evenings. It would be managed and maintained, and lighting and CCTV would be provided. The remainder of the car park would be re-configured under the separate planning application ref. 2024/01345/FUL.
- 6.44 The existing public realm on the north-south element of Barb Mews is poorly designed, with a shared surface providing access to both pedestrians and vehicles. There is no pavement in front of the existing buildings on the east side of the mews so all vehicle movement takes place immediately outside the windows and doors of these properties. Furthermore, there is no segregated space or refuge for pedestrians to avoid a passing vehicle.
- 6.45 The Controlled Parking Zone (CPZ) parking bays are located on the west side of the mews against the tall boundary wall of the existing Tesco supermarket car park, giving very little space around vehicles on the driver's side to enter and exit parked vehicles. Refuse bins are also stored in the parking bays. The long high boundary wall of the supermarket car park creates a stark feature in the streetscene with no active frontage on the west side of the mews.
- 6.46 The proposed redevelopment takes the opportunity to provide additional family sized housing units (including 4 affordable houses), creates an active frontage to the west side of the mews, redesigns the public highway layout, improves the public realm and secures continued public access through the well-used short cut to the supermarket from Barb Mews and Shepherds Bush Road.
- 6.47 A new terrace of 11 houses consisting of two storeys, with a further setback storey would be erected along the west side of Barb Mews following the demolition of the existing boundary wall to the car park. A part single, part two storey detached house would be erected at the northwest end of Barb Mews. Between the terrace and the detached house, a gated pedestrian route would provide continued public access between Barb Mews and the Tesco supermarket car park. The new terrace would be set back from the line of the existing car park boundary wall providing a more spacious setting for the public realm and reducing the existing sense of enclosure. The new housing would also provide an active frontage to the street on the west side of the mews, although some windows would be obscured to prevent overlooking to existing residential properties on the east side of the mews.
- 6.48 The proposed housing in brick has been designed to be compatible with the character and appearance of the surrounding development. The terrace would be characterised by projecting bays at first floor level on the front elevation, which would create articulation and rhythm in the façade. The third storey of each house in the terrace would be clad in metal and this would be significantly set back from the front and rear elevations of the main house, such that it would appear as a subservient feature and respect the height and massing of the two storey mews buildings on the east side of Barb Mews which are located directly on the back edge of the carriageway. The detached house would have a brick base at ground floor level and a metal clad sloping roof at first floor level and incorporate some sloping sides to create the appearance of a roof form.

- 6.49 The proposal would require the felling of 6 of the 10 existing trees on the site (2 category B and 4 category C) to facilitate the development. The 6 Norway Maple trees proposed to be felled are visible from the public highway on Barb Mews. Replacement trees are proposed including 10 evergreen trees which would be visible within the public realm in Barb Mews. Pleached trees would be provided within the rear gardens of most of the houses. A condition requiring details of soft landscaping (including replacement tree planting) to be submitted to the Council prior to commencement of landscaping works has been agreed, to ensure suitable species, sizes and locations of the proposed replacement trees.
- 6.50 The new street layout would deliver a pavement in front of the existing mews buildings on the east side of Barb Mews, improving pedestrian safety and providing a greater distance between the front windows of these properties and any vehicle movements. The new pavement would also include new street lighting columns and pedestrian refuges. The CPZ parking bays would be relocated to the east side of the mews improving their accessibility.
- 6.51 Overall, the proposal would deliver well designed family sized housing (including 4 affordable houses) and significant improvements to the public realm whilst maintaining public access to the existing pedestrian route from the supermarket to Barb Mews in perpetuity. The proposal would be in accordance with the statutory requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in relation to the significance of the Conservation Area and the setting of the adjacent Listed Building and would also be in accordance with Policy HC1 of the London Plan (2021), Policies DC1, DC2, DC4, DC8 and OS5 of the Local Plan (2018) and Key Principles AH2, CAG3 and CAG6 of the Planning Guidance Supplementary Planning Document (2018).

IMPACT UPON NEIGHBOURING AMENITY

- 6.52 Policy HO4 of the Local Plan (2018) specifies that all new housing must take account of the amenity of neighbours, whilst Policies DC2 and HO11 of the Local Plan (2018) specify that any proposal must be formulated to respect the principles of good neighbourliness and the principles of residential amenity. Policies CC11 and CC13 of the Local Plan (2018) state that all proposed development will be required to show that there would be no undue detriment to the amenities enjoyed by existing surrounding occupiers, and that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by occupants and/or users of existing or proposed noise sensitive uses in the vicinity.
- 6.53 It is recognised that there is existing residential usage within the immediate locality of the application site. Notably, the rear boundary of properties within Lena Gardens adjoins the northern boundary of the application site, whilst residential properties along Barb Mews are located to the east of the application site. To the west of the application site lies Osram Court (a six-storey residential development, approx. 31m away).

- 6.54 Key Principle HS6 of the Planning Guidance SPD (2018) provides guidance relating to the scale and massing of proposed new development and/or extensions. As a general rule, this Key Principle outlines that any proposed new development should not result in an infringing angle of more than 45-degrees. Whilst officers acknowledge that this guidance is typically applied to development adjoining the rear boundary of the application site, based on the nature of the proposal and the proposed relationship between the existing Barb Mews and the proposed residential dwellings, officers consider that an assessment of the 45-degree rule taken from the existing ground-floor front elevation windows of Barb Mews would be appropriate.
- 6.55 Officers highlight that the proposed dwellings would not infringe an angle of 45-degrees taken from the mid-point of the existing ground-floor windows along Barb Mews, indicating that the proposal achieves a proportionate scale and massing appropriate to its immediate context, which would mitigate against detrimental harm to the amenity of Barb Mews occupants, with regard to outlook and a sense of enclosure. Officers highlight that the applicant has sought to minimise the overall scale and massing of the proposed dwellings by ensuring the second-floor level of Units 1 - 11 are set-back from the front elevation of the dwellings.
- 6.56 With regard to the proposal's impact upon the levels of light received to Barb Mews, officers note that the majority of the proposed dwellings would sit below an angle of 25-degrees taken from the mid-point of their front elevation windows; with only the first-floor parapet marginally infringing an angle of 25-degrees. Furthermore, the submitted Daylight and Sunlight Report details that neighbouring residents would be provided with adequate levels of daylight and sunlight, taking the scale and massing of the proposal into account.
- 6.57 Furthermore, the submitted Daylight and Sunlight Report details that the majority of neighbouring residents in Barb Mews would be provided with adequate levels of daylight and sunlight, taking the scale and massing of the proposal into account. 98% of all neighbouring windows in Barb Mews would meet or exceed the recommended criteria with minor reductions (1% and 2%) to two windows serving a LKD at 2 Barb Mews. Two rooms (both LKD) at 2 and 4 Barb Mews would fall slightly short of the No Sky Line test with reductions of 27% and 28%. However, both rooms would remain lit for the majority of the floor space, and the BRE guidance recognises that results such as this may be unavoidable in rooms deeper than 5m and lit from one side, and as such the guidelines should be applied flexibly. In these cases the rooms are over 5m deep and hence, this greater movement of the NSL is unavoidable. There is no demonstrable harm in terms of sunlight to neighbouring properties.
- 6.58 On balance, officers consider that the impacts on neighbouring properties are acceptable and given the urban characteristics of the site are not grounds to withhold planning permission.
- 6.59 The design and access statement indicates that the first-floor bedrooms to the front of the proposed properties would feature oriel windows with obscured glazing to the front panes to mitigate against harmful levels of overlooking to residents within Barb Mews. Officers note that this would be secured via planning condition.

- 6.60 At second-floor level, residential units 1 - 11 would be provided with external terrace space to the front of the building, directly accessible via their second-floor bedrooms. The size of these terraces would be consistent with the guidance contained within Key Principle HS8 of the Planning Guidance SPD (2018), indicating that neighbouring properties would not be exposed to harmful levels of noise and disturbance associated with usage of the terraces. The proposed second-floor terraces would feature 1.7m high louvred privacy screens, to prevent harmful levels of overlooking whilst the terraces are in use.
- 6.61 With regard to the six-storey residential development within Osram Court, it is considered that there is a greater degree of separation between this and the application site, which is considered sufficient to mitigate against detrimental harm to the amenity of those residents.
- 6.62 With regard to the existing properties along Lena Gardens, officers note that Unit 12 would be in closest proximity to the rear boundaries of those properties. Unit 12 would consist of a two-storey building, with a roof design which angles away from this shared boundary. Accordingly, the scale and massing of Unit 12 would sit below an angle of 25-degrees taken from the mid-point of the ground-floor rear elevation windows of these properties. Officers are satisfied that this would mitigate against detrimental harm to the amenity of these residents with regard to outlook, light and a sense of enclosure.
- 6.63 In terms of the potential privacy impacts upon residents within Lena Gardens, officers note that the two-storey proposed residential unit (12) in closest proximity to the respective shared boundary would feature a flank window at first-floor level. This window would be a secondary window which serves the principle bedroom of Unit 12. A condition would be applied to ensure that the first-floor flank window was obscure-glazed and non-opening below 1.7m above finished floor level. The proposed plans also depict a first-floor terrace with screening along the flank elevation closest to Lena Gardens, to mitigate against overlooking whilst the terrace is in use. Officers are satisfied that Unit 12 would not result in a harmful level of overlooking for residents within Lena Gardens.
- 6.64 Each of the proposed residential units would include an air source heat pump (ASHP) to supply residential occupants with space heating and water. To ensure that the sound level emitted from the ASHPs do not expose surrounding occupants to harmful levels of noise and disturbance, a pre-commencement condition has been agreed to secure the external noise level being lower than the lowest existing background noise level by at least 10dBA. The assessment is to be made with all machinery operating together at maximum capacity.
- 6.65 The proposed terraces would not exceed 8sqm in footprint, as measured on the proposed plans, which is considered to limit the number of people who could occupy the terrace at any one time. The terraces are of a size which is consistent with guidance within Key Principle HS8 of the Planning Guidance SPD (2018) and therefore, officers consider that this would prevent neighbouring occupants from being exposed to harmful levels of noise and disturbance, associated with usage of the terraces.

- 6.66 Overall, for the reasons outlined above, officers consider that the proposal has been designed to respect the principles of residential amenity and good neighbourliness, consistent with Policies CC11, CC13, DC2, HO4 and HO11 of the Local Plan (2018).

HIGHWAYS/PARKING AND WASTE MANAGEMENT

+ Vehicle parking

- 6.67 The application site has a Public Transport Accessibility Level (PTAL) 6b rating, indicating excellent access to public transport. The proposed development would be car-free, with the exception of one (1) Blue badge off-street parking space provided for the detached dwelling (Unit 12). Officers note that a Legal Agreement will secure on-street car parking permit free development with regard to the twelve (12) dwellings. To ensure that the blue badge off-street parking space can be entered and exited in a forward gear, a vehicular turntable is proposed to be installed. Additionally, a safety mirror will be placed opposite the Blue Badge space to further increase visibility, whilst tactile paving will be introduced to the front of the driveway to warn drivers and pedestrians of each other's presence. Officers raise no objection to this arrangement in principle, and recommend that a condition requiring further details of the proposed vehicular turntable, safety mirror and tactile surfacing is secured.
- 6.68 Officers highlight that the proposal also includes alterations to be made to Barb Mews, which will enable refuse/recycling and fire vehicles to traverse along Barb Mews, something which is not possible in the existing situation. To enable this, the existing parking spaces along the western side of Barb Mews would be relocated to the eastern side of Barb Mews, resulting in the loss of three (3) parking spaces. These works will be secured through a Section 106 obligation to enter into a S38/278 Highways Works agreement. Whilst officers acknowledge that this could place additional stress on the retained parking spaces, the benefits of Barb Mews becoming accessible for both refuse/recycling and fire vehicles is considered to outweigh the loss of the three parking spaces. Furthermore, a financial contribution of £15,000 is secured within the Legal Agreement towards the review of the surrounding Controlled Parking Zone (CPZ), in order to carry out any necessary amendments to parking and waiting restrictions.

+ Cycle parking

- 6.69 It is proposed that 2 long stay cycle parking spaces will be provided per house in secure and covered stores and 2 short stay cycle spaces will be provided in the form of a Sheffield stands located on the south end of the site. This is in accordance with the London Plan (2021) standards. Full details, including manufacturer specifications, will be secured by a pre-occupation condition.

+ Construction logistics

- 6.70 The applicant has submitted an outline construction logistics plan as part of this planning application, which has been reviewed by the Council's Highways team and is considered to be generally acceptable. Following this, it is requested that a full Detailed Construction Logistics Plan (and associated monitoring) be secured by condition (and associated monitoring fees be secured by s106 agreement). This will include a requirement for all vehicles and driver management practices to comply with the Fleet Operation Recognition Scheme (FORS Silver accreditation) and Construction Logistics and Community Safety (CLOCS).

+ Refuse, Delivery and Servicing plan

- 6.71 At present the residents of Barb Mews leave their refuse either in sacks or bins on the highway, additionally refuse vehicles are unable to enter the Mews. The realignment of Barb Mews and the provision of a new footway adjacent to their properties will provide an improved situation to the current bin storage issue.
- 6.72 The proposed alternations to Barb Mews will also allow refuse vehicles to traverse the Mews and collect bins in a conventional manner, approximately 3 on-street parking spaces will be lost on Barb Mews to enable a refuse/fire vehicle to travel along in the correct direction. It is considered that the benefits of the improved refuse collection/emergency vehicle access arrangement outweighs the small loss in on-street parking.
- 6.73 The residents of the new 12-unit development will have dedicated bin stores accommodating all waste streams located at the front curtilage of each property. Refuse collection will be undertaken by LBHF refuse team via the western side of Barb Mews. Following the redesign of the shared surface along Barb Mews and the small reduction in parking, deliveries for the new development as well as refuse collection and fire tender access will be able to take place on-street on Barb Mews, which is not currently possible for the existing development.
- 6.74 The Council's Waste Management team have reviewed the submitted Refuse and Recycling Management Plan and have raised no objection. Furthermore, the Council's Highways team have confirmed that they would have no objection to the proposed redesign of Barb Mews, which would be considered a significant improvement on the existing situation. Accordingly, officers are satisfied that sufficient provision of refuse and recycling would be provided for future occupants of the proposal, in accordance with Policy CC7 of the Local Plan (2018).
- 6.75 A detailed delivery and servicing plan for the site is to be secured via a pre-occupation planning condition.

+ Travel Plan

- 6.76 A framework Travel Plan Statement was submitted with the planning application. The Travel Plan Statement has been produced in accordance with Transport for London's best practice guidance and sets out the travel plan measures proposed for the developments. The submission of a full Detailed Travel Plan is secured by planning condition.

+ Active Travel Zone Audit

- 6.77 An Active Travel Zone (ATZ) survey has been carried out to support the planning application and to comply with the Healthy Streets objectives set out by Transport for London guidance on Transport Assessments. The ATZ Survey Report was prepared taking into account the 10 Healthy Streets Indicators.
- 6.78 As part of the enhancements to the highways works on Barb Mews, improvement is required to the area of Shepherds Bush Road in the vicinity of Tesco superstore entrance to improve pedestrian connectivity to the footpath on the green and cycle docking station fronting the green. These are included in the highways works obligation set out later in the report.

ENERGY AND SUSTAINABILITY

- 6.79 An Energy and Sustainable Design Statement (dated May 2024) prepared by BWB Consulting has been submitted as part of this application. With regard to carbon reduction, the scheme is calculated to achieve an overall CO2 reduction of 69%, which achieves the 35% target specified by the London Plan (2021). The separate 10% target for energy efficiency has also been met, with CO2 reductions of 25% shown to be achieved through energy efficiency measures alone.
- 6.80 The scheme has been checked for potential connection to an existing heat network but there is not one available at present to connect to, however it will be designed to be capable of connection into any future network that develops in this part of the borough. An Overheating Assessment has been undertaken and this shows that all habitable rooms comply with the overheating criteria.
- 6.81 The Council's Environmental Policy team have highlighted that there are remaining carbon emissions that would need to be offset via a carbon offset payment of £27,480, which should be secured as part of the Section 106 Agreement. Likewise, the commitment to monitor energy use in the development and report to the GLA 'Be Seen Portal'.
- 6.82 The Consultee has confirmed that overall, the performance of the development in terms of carbon reduction meets the required targets.
- 6.83 The submitted Whole Lifecycle Carbon Assessment has been carried out in line with GLA guidance and has followed their assessment template. The calculated embodied carbon intensity for the scheme is 710 kgCO2e/m2 which is within the benchmark target for major residential schemes of no more than 850 kgCO2e/m2 set by the GLA.

TREES, ECOLOGY AND BIODIVERSITY NET GAIN

- 6.84 Policy OS5 of the Local Plan (2018) outlines that the council will seek to enhance biodiversity and green infrastructure in the borough by maximising the provision of gardens, soft-landscaping, green or brown roofs and other planting as part of new development, seeking the retention of existing trees and the provision of new trees on development sites, and seeking to prevent the removal or mutilation of protected trees, amongst other measures.

- 6.85 Policy G7 of the London Plan (2021) outlines that development proposals should ensure that, wherever possible, existing trees of value are retained. In instances where planning permission is granted that requires the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed.
- 6.86 Policy G5 of the London Plan (2021) specifies that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature bases sustainable drainage. Officers highlight that the London Mayor recommends an urban green factor (UGF) target score of 0.4 for developments which are predominantly residential (as is the case with this proposal).
- 6.87 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024. BNG requires developers to deliver a BNG of 10%. The Council's Ecology team have reviewed the applicant's submitted BNG metric and report, and have highlighted that the application would not achieve the mandatory 10% BNG requirement, despite noting that the applicant has tried to maximise the provision of BNG on-site. The submitted documentation outlines that the proposal will meet the required 10% BNG uplift via off-site Biodiversity Units.
- 6.88 There are ten (10) existing trees within the application site of the subject application (ref. 2024/01344/FUL), two Sycamore Trees and eight Maple Trees. The submitted Arboricultural Impact Assessment (AIA, dated May 2024) specifies that the Maple trees are in their semi to early mature life stages. Table 5.1 of the AIA specifies that to facilitate the construction of the twelve residential dwellings proposed as part of application ref. 2024/01344/FUL, a total of six (6) trees would require removal, due to them being in direct conflict with the proposed dwellings. The remaining trees identified are proposed for retention.
- 6.89 The AIA recognises the need to mitigate the proposed tree removals identified, and accordingly, replacement planting is depicted within the accompanying Landscape plan. The Council's Tree Officer has reviewed the proposal, and whilst they have acknowledged that the proposal would result in the felling of 6 existing mature trees, their comments confirm that satisfactory replacement planting is outlined within the landscaping plan, and subject to conditions securing the implementation of the replacement planting, there would be no objection with regard to Policy OS5 of the Local Plan (2018).

AIR QUALITY

- 6.90 Policy SI 1 of the London Plan (2021) specifies that to tackle poor air quality, protect health and meet legal obligations, development proposals should not lead to a further 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.

- 6.91 Policy CC10 of the Local Plan (2018) specifies that the Council will seek to reduce the potential adverse air quality impacts of new development by requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality, amongst other measures.
- 6.92 A borough-wide Air Quality Management Area (AQMA) is in effect within the borough of Hammersmith and Fulham. The application site is located within an area of existing poor air quality due to road traffic emissions from Shepherd's Bush Road (A219) and the Tesco customer car park and would introduce a sensitive use in the form of residential accommodation.
- 6.93 Accordingly, to ensure adequate levels of air quality for both future occupants of the proposed residential units and existing residents of surrounding buildings, the Council's Environmental Quality (Air Quality) team have requested a number of pre-commencement and pre-occupation conditions.
- 6.94 Accordingly, no objections are raised with regards to air quality matters.

FLOOD RISK

- 6.95 Policy CC3 of the Local Plan (2018) specifies that a site-specific flood risk assessment (FRA) will be required for the following development proposals:
- All proposals within the Environment Agency's Flood Risk Zones 2 and 3;
 - All proposals for new developments over 1 hectare in size within the Environment Agency's Flood Risk Zone 1;
 - All proposals for areas identified as being susceptible to surface water flooding;
 - All proposals for new development which includes a subterranean element.
- 6.96 Policy CC4 of the Local Plan (2018) specifies that all major developments must implement sustainable drainage systems (SuDs) to enable a reduction in peak run-off to greenfield run-off rates for storms up to the 1 in 100 year event (plus climate change allowance), and will be required to provide a sustainable drainage strategy that demonstrates how SuDs will be integrated to reduce peak flow volumes and rates in line with the requirements of this policy.
- 6.97 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3 and would introduce a sensitive use (residential accommodation) at ground-level. Accordingly, a Flood Risk Assessment and Sustainable Drainage Strategy (dated 1st May 2024) and an addendum letter (dated 28th October 2024) was submitted as part of the application. Following review of these documentation, the Council's Environmental Policy (Flood Risk) team have confirmed that the discharge rate information and small-scale rainwater harvesting measures (the use of water-butts within the rear gardens of the proposed residential units) provided is acceptable.
- 6.98 Subject to complying with the relevant condition, no objections are raised with regards to SuDs and flooding matters.

LAND CONTAMINATION

- 6.99 Policy CC9 of the Local Plan (2018) specifies that when development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination.
- 6.100 The applicant has submitted a Phase 1 Geo-Environmental Assessment (dated January 2024) and a Phase 2 Geo-Environmental Assessment (dated May 2024), both prepared by BWB Consulting, as part of this application. These documents have been reviewed by the Council's Land Contamination team, who note that insufficient detail is included. Therefore, a number of land contamination conditions, including pre-commencement conditions relating to a preliminary risk assessment and a site investigation scheme, have been recommended. The applicant has agreed to these conditions in writing, and subject to these, no further objections are raised with regards to contaminated land matters.

FIRE SAFETY

- 6.101 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'. As outlined by Part B of this policy, all major development proposals should be submitted with a fire statement, produced by a third party, suitably qualified assessor.
- 6.102 The statement should detail how the development proposal will function in terms of:
- 1) The building's construction: methods, products and materials used, including manufacturers' details
 - 2) The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
 - 3) Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
 - 4) Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
 - 5) How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
 - 6) Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

6.103 The applicant has submitted a Fire Statement (dated 17th May 2024) prepared by Orion Fire Engineering. The Fire Statement has been prepared by third party, suitably qualified assessors and details how the proposal would meet the criteria set out within Part B of Policy D12. The London Fire Brigade have reviewed the proposal and the submitted Fire Statement. Following this, their written comments confirm that they have no further observations to make. Additionally, HSE have confirmed in writing that the planning application does not appear to fall under the remit of Planning Gateway One because the height condition of a relevant building is not met.

6.104 Officers consider that sufficient information has been submitted to demonstrate how the proposal would address the specific fire criteria set out within Policy D12, Part B of the London Plan (2021). As specified within Paragraph 3.12.2 of the London Plan, the matter of fire safety compliance is covered by Part B of the Building Regulations.

7.0 PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

7.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of £102,800 (plus indexation).

7.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. This development is liable for an estimated local CIL of £287,000 (plus indexation) with relief granted for the affordable units.

+ S106

7.3 The NPPF (2024) 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'.

7.4 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."

7.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

- 7.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 7.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

HEADS OF TERMS

- 7.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) Secure and maintain public access via pedestrian alleyway from Barb Mews (including the maintenance and management of the pedestrian alley way)
 - 2) Linking the current application ref. 2024/01344/FUL to the separate planning application ref. 2024/01345/FUL, to ensure that the Tesco car park re-configuration works take place to facilitate the proposed residential development.
 - 3) Secure the provision of 4 affordable homes comprising: 70% low cost rented (3 units), and 30% (1 unit) Intermediate.
 - 4) The development will require a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prohibit any occupier of the 12 residential units (with the exception of blue badge holders) to obtain an on-street car parking permit.
 - 5) The development will require a legal agreement under Section 278/38 in relation to the proposed works to Barb Mews.
 - 6) Air Quality - £5,000 per annum for the construction phases of the development will be required for the Council's compliance monitoring of the Air Quality Dust Management Plan (secured by condition) and to maintain the Councils Construction Site Monitoring Register Website.
 - 7) Construction Logistics Plan (CLP) - contribution of £5,000 per year until completion of construction towards monitoring of the CLP (secured by condition).
 - 8) A financial contribution of £15,000 towards the review of the hours of the surrounding Controlled Parking Zones (CPZ).

9) A financial contribution of £19,000 towards economic development including support of employment, skills and local procurement.

10) A financial contribution of £157,500 towards community safety and public realm improvements.

11) A contribution of £27,480 towards carbon off-setting

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

8.0 CONCLUSION

8.1 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.

8.2 In summary, the proposed development would result in the net-gain of twelve (12) high-quality, family sized residential units, contributing towards the borough's housing supply targets and contributing towards the provision of 35% affordable housing (as measured by habitable rooms) set out by the 2021 London Plan's Fast Track Route. Furthermore, the scale, massing, design and material finishes would ensure a high standard of design which would preserve the character and appearance of the surrounding area and designated heritage assets, whilst mitigating against detrimental harm to the amenity of surrounding occupants.

8.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted in line with the recommendations above.

9.0 RECOMMENDATION

9.1 Grant permission, subject to conditions and a Legal Agreement.