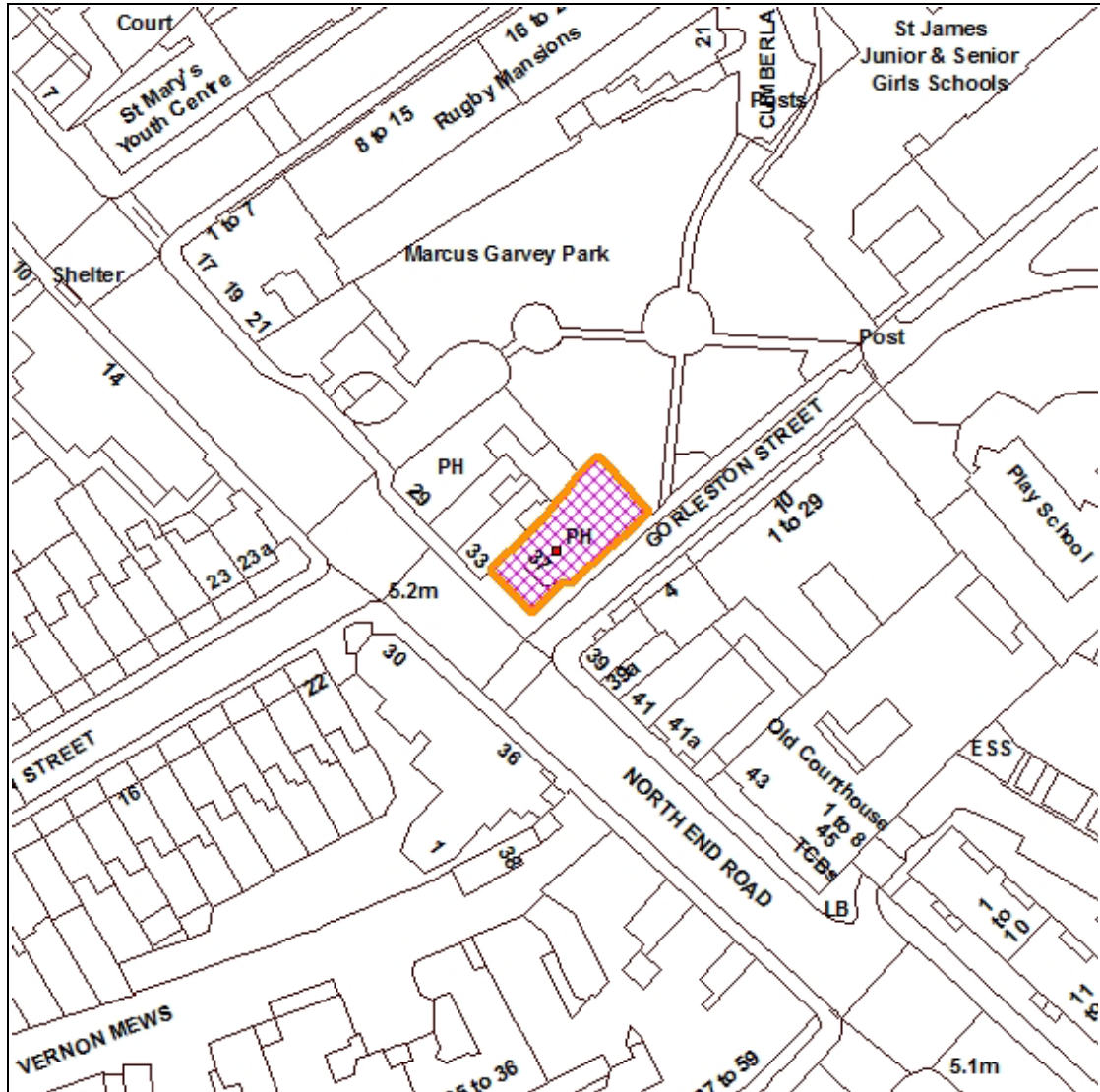

Ward: Avonmore

Site Address:

Live And Let Live 37 North End Road London W14 8SZ



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For identification purposes only - do not scale.

Reg. No:

2023/02712/FUL

Case Officer:

Sian Brown

Date Valid:

07.11.2023

Conservation Area:

Constraint Name: Olympia And Avonmore
Conservation Area - Number 23

Committee Date:

16.09.2025

Applicant:

Domus Projects Ltd
C/O Agent

Description:

Redevelopment of the site comprising the erection of a replacement part two, part four storey building, including further excavation and enlargement of the existing basement to include 2no. new lightwells fronting Gorleston Street elevation, comprising 9no. self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage. (Revised plans)
Drg Nos: Refer to 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:

+ Proposed floor plans

8022_(20)_001_PP Rev E

8022_(20)_002_PP Rev E

8022_(20)_003_PP Rev E

+ Proposed elevations and sections

8022_(30)_001_PP Rev D
8022_(30)_002_PP Rev D
8022_(30)_003_PP Rev D
8022_(30)_004_PP Rev D
8022_(40)_001_PP Rev D
8022_(40)_002_PP Rev D
8022_(40)_003_PP Rev C

+ Other plans

8022_(50)_002_PP Rev D
8022_(50)_001_PP Rev E

+Approved Documents:

- o Flood Risk Assessment and SuDS statement, revision 3, dated 04.10.2023.
- o Energy Statement, Issue 2, dated 8th February 2025, prepared by Ingene.
- o Sustainability Statement, Issue 2, dated 6th February 2025, prepared by Ingene.
- o Arboricultural Impact Assessment & Method Statement, dated 12th December 2024.
- o Accessibility Statement Revision C, prepared by Teo Architects, received 5th September 2025
- o Phase 3 Site Investigation and Quantitative Risk Assessment Report for 35-37 North End Road, Hammersmith, W14 8SZ prepared for Domus Projects Ltd by Yes Engineering Group Ltd dated August 2022

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 the development hereby permitted, details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, balustrades, cladding, windows and doors, shall be submitted to and approved in writing by the council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby permitted, a sample of the proposed facing brickwork, and a sample panel of the ground floor level ceramic tiles, shall be erected on site, inspected by Officers and approved in writing by the council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018)

- 5) Prior to commencement of the development hereby permitted, details in plan, section and elevation (at a scale of not less than 1:20) of the following matters shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay of the North End Road, and Gorleston Street elevations; and
- b) boundary treatment

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby permitted, detailed drawings in plan, elevation and section at a scale of no less than 1:20, of the rooftop plant and enclosures, and rooftop PV panels shall be submitted to and approved in writing by the council. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 7) The development hereby approved shall be implemented only in accordance Arboricultural Impact Assessment & Method Statement, dated 12th December 2024. These measures should apply to any tree adjacent to the site whose theoretical Root Protection Areas extend into the site.

To ensure that trees around the site are retained and protected during the building works, in accordance with Policies G5 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 8) Prior to commencement of the relevant part of the development hereby permitted, details of the proposed soft landscape works and green roofs and green walls, and associated maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include confirmation that all green roof planting will consist of 100% native seed mixes; together with confirmation of the provision of 50% native species associated with all other planting. The soft landscaping shall be implemented within the first planting season following first occupation and shall be permanently retained in this form. Any trees, shrubs or planting associated with the soft landscape details that is removed, or seriously damaged, dying, or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance of the development, and in the interests of urban greening and biodiversity net gain, in accordance with Policies D3, G5 and G7 of the London Plan (2021), and Policies DC1, DC2, OS1 and OS5 of the Local Plan (2018).

- 9) Prior to commencement of the development hereby permitted, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan (2021), and Policy DC1 of the Local Plan (2018).

- 10) The development hereby approved shall not be occupied until 90% of dwellings have been built to building regulations standard M4 (2) 'Accessible and adaptable buildings' Building Regulations requirement, and the remaining 10% have been built to the M4(3) 'Wheelchair accessible dwellings' requirement, as indicated in the Accessibility Statement Revision C, prepared by Teo Architects, received 5th September 2025. The dwellings shall thereafter permanently retained in this manner.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy D7 of the London Plan (2021), and Policy HO6 of the Local Plan (2018).

- 11) The residential units hereby approved shall only be used as a single dwellinghouses falling within use Class C3. The residential units shall not be used as housing in multiple occupation falling within Class C4 of the of the Town & Country Planning (Use Classes) Order 1987 (as amended).

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 and T1 of the Local Plan (2018).

- 12) The floorspace at basement level hereby approved shall only be used in connection with, and ancillary to, the use of the new units at ground floor level as single dwelling units. The basement accommodation shall not be occupied as a self-contained flat(s) that is separate and distinct from the use of the remainder of the application property as a single dwelling unit.

The use of the basement level as self-contained residential units, separate from the use of the remainder of the application property as a dwelling, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies HO1, HO2, HO4, HO11, T1, T4, T6, CC11 and CC13 of the Local Plan (2018).

- 13) No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of external pipe work, or the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, DC8, CC11, CC13 and HO11 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 14) Notwithstanding the details shown on the approved elevation plans, no plumbing or rainwater pipes shall be fixed on the external elevations of the building hereby approved, rather they should be located internally as shown on the approved floor plans.

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

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the character and appearance of the building and its setting, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 16) No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the building hereby permitted.

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

- 17) Notwithstanding any annotations on the approved drawings, no part of any roof of the building hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roof(s) as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, and noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018), and Key Principle 8 of the Planning Guidance SPD (2018).

- 18) Prior to commencement of the development hereby permitted, 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.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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

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

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

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

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

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

- 22) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls of the premises from any adjacent/surrounding commercial premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwelling/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

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

- 24) Prior to commencement of the development hereby permitted, a Construction Logistics Plan (CLP) in accordance with Transport for London Guidance shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points; membership of the Considerate Contractors Scheme; as well a clear description of how the site will discourage the use of private transport by personnel employed in its construction; and details of mitigation to secure no left hand turn along Hammersmith Grove together with associated temporary camera enforcement/monitoring. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, in accordance with Policy T7 of the London Plan (2021) and Policies T1, T6 and T7 of the Local Plan (2018).

- 25) No part of the development hereby approved shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved plans. Thereafter the provision for cycle storage shall be so maintained for the life of the development. Under section 153 of the Highways Act 1980 the mechanism of the doors should ensure that there is no overhang over the public highway at any time.

To ensure satisfactory provision for the bicycles and thereby promote sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

- 26) No part of the development hereby approved shall be occupied or used until the refuse and recycling facilities have been implemented in accordance with the approved plans. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development. Under section 153 of the Highways Act 1980 the mechanism of the doors should ensure that there is no overhang over the public highway at any time.

To ensure satisfactory provision for the storage of refuse and recycling on site, and to prevent any obstruction to the highway in accordance with Policies CC7 and T6 of the Local Plan (2018).

- 27) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment and SuDS statement, revision 3, dated 04.10.2023. No part of the development shall be used or occupied until all flood prevention and mitigation measures have installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding for future occupants and the development and to make the development more resilient in the event of flooding in accordance with Policy SI12 of the London Plan (2021), and Policy CC3 of the Local Plan (2018), and to prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy SI13 of the London Plan (2021), and Policies CC2 and CC4 of the Local Plan (2018).

- 28) The development hereby approved shall not be occupied until the measures set out in the approved Energy Statement, Issue 2, dated 8th February 2025, prepared by Inge, have been fully implemented on site and they shall be permanently retained thereafter. This shall include the provision for future connection of the site to a district heating network should this become available (this could take the form of a pair of suitably sized and insulated pipes running from the basement to the roof, where a manifold could replace the existing heat pumps and connect all flats to the system).

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021), and Policies CC1 and CC2 of the Local Plan (2018).

- 29) The development hereby approved shall be implemented in accordance with the approved Sustainability Statement, Issue 2, dated 6th February 2025, prepared by Ingine, and the approved measure shall be permanently retained thereafter.

In the interests of sustainability, in accordance with Policies SI2, SI3 and SI4 of the London Plan (2021) and Policies CC1, CC2 and CC7 of the Local Plan (2018).

- 30) Prior to commencement of the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the 9 self-contained dwellinghouses (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 World Health Organisation aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m-3, Particulate (PM₁₀) -15 ug/m-3 and Particulate (PM_{2.5}) - 5 ug/m-3 are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors.
- b. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
- c. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (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.
- d. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 31) 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 30 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

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

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the Council's Air Quality Action Plan, and Local Plan (2018) Policies CC1 and CC10.

- 33) Prior to commencement of the development hereby permitted, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Council's AQDMP Template 'C' shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 34) Within a minimum of seven days prior to commencement of the enabling works, site clearance or demolition works within each phase 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.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

- 35) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates, gas supply/meter site clear certificate and photographic confirmation) of the installed electric induction cooking stoves in the kitchens of the 9 self-contained dwellinghouses (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 36) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of Uninterruptable Power Supply (UPS) in accordance with BS9999, BS 9991, and BS 7671 for fire and life safety equipment shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 37) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Waste Water Heat Recovery System (WWHRS) in all the bathrooms of the 9 self-contained dwellinghouses (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

- 38) Prior to occupation of each phase of the development hereby permitted, (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Private Network Energy Microgrid (PNEM) for the 9 self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the NPPF (2024), Council's Air Quality Action Plan, London Plan (2021) Policy SI 1 and Local Plan (2018) Policies CC1 and CC10.

- 39) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Battery Solar Energy Storage Systems (BSESS) for the 9 self-contained dwellinghouses (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in the Council's boroughwide air quality management area, in accordance with the Council's Air Quality Action Plan and Local Plan (2018) Policies CC1 and CC10.

- 40) The development hereby permitted shall be occupied until the approved remediation method statement (Phase 3 Site Investigation and Quantitative Risk Assessment Report for 35-37 North End Road, Hammersmith, W14 8SZ prepared for Domus Projects Ltd by Yes Engineering Group Ltd dated August 2022) has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

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

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

- 42) Prior to the occupation of the development hereby permitted, a bird box shall be installed to the North East face of the building fronting Marcus Garvey Park. The bird box shall thereafter be permanently maintained.

To ensure the protection of wildlife and to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and Policies OS4 and OS5 of the Local Plan (2018)

- 43) 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) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe 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 and piling layout plan.

Condition requested by Thames Water: 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.

- 44) 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 water infrastructure, and the programme for the works) and piling layout plan including all Thames Water clean water assets, the local topography and clearance between the face of the pile to the face of a pipe 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 and piling layout plan.

Condition requested by Thames Water: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Justification for Approving the Application:

- 1) 1) Land Use: The permanent loss of the public house on the site has been justified in accordance with London Plan (2021) Policy HC7 and Local Plan (2018) Policy TLC7. The proposed development would make a positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2021) Policy H1 and Local Plan (2018) Policy HO1 targets per year through new build, conversion and change of use.
- 2) Quality of Accommodation: The proposed development provides a good mix of residential accommodation of which would be of an acceptable standard of living, in accordance with London Plan (2021) Policies H10, D6 and D7, the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, HO5, HO6 and HO11 and Key Principles of the Planning Guidance SPD (2018) which all require new housing to be of a high-quality design and be designed to have adequate internal and external space.

3) Design and Heritage: The development is judged to be acceptable in visual terms, and would not harm the character and appearance of the conservation area, or the settings of nearby heritage assets. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies D3 and HC1, Local Plan (2018) Policies DC1, DC2 and DC8, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4) Landscaping, Ecology and Biodiversity: Landscaping would be provided by the development, and a planning obligation will secure improvements to the adjacent park, which would be of benefit to biodiversity and the local area, in accordance with London Plan (2021) Policy G7, and Local Plan (2018) Policies OS1 and OS5.

5) Impact on Neighbouring Residents: The development would respect the principles of good neighbourliness. There would be no significant worsening of outlook, overlooking, and noise/disturbance, and no unacceptable loss of sunlight or daylight to cause undue detriment to the amenities of neighbours. A Construction Management Plan will be secured by a condition to address disturbance during the building works. The proposed development therefore accords with London Plan (2021) Policy D14, Local Plan (2018) Policies DC1, DC2, HO11, CC11 and CC13, and Key Principles of the Planning Guidance SPD (2018).

6) Safety and Access: Subject to conditions, the development would provide a safe and secure environment for all users, and ease of access for all people, including disabled people in accordance with London Plan (2021) Policies D5, D7 and D11, and Local Plan (2018) Policies DC1, DC2 and HO6.

7) Highways and Transportation: The application is supported by a Transport Statement and Outline Construction Logistics Plan which provide a comprehensive review of all the potential transport impacts of the proposed development. It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. Subject to a satisfactory legal agreement restricting the right of occupiers to hold parking permits the development would not contribute to on-street parking stress. The provision of cycle parking and refuse storage will be secured by conditions. External impacts of the development will also be controlled by conditions related the submission of a relevant Delivery Servicing Plan and Construction Logistics Plan, with the associated monitoring fees, as well as works to the highway secured by a legal agreement. The proposed development therefore accords with the NPPF (2024), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant Key Principles of the Planning Guidance SPD (2018).

8) Flood Risk and SUDS: An acceptable Flood Risk Assessment and SuDS Report has been submitted and is secured by a condition, in accordance with the NPPF (2024), London Plan (2021) Policies SI 12 and S1 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

9) Energy and Sustainability: An Energy Statement and Sustainability Statement have been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. The details will be secured by condition. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies SI 2 and SI 4, and Local Plan (2018) Policies CC1 and CC2.

10) Air Quality: With regards to air quality considerations, subject to additional mitigation, secured by conditions and a legal agreement, the development would be acceptable and compliant with the NPPF (2024), London Plan (2021) Policy SI 1, and Local Plan (2018) Policies CC1 and CC10.

11) Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed uses. The proposed development therefore accords with the London Plan (2021), and Local Plan (2018) Policy CC9.

12) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes a financial contribution towards environmental improvements to the adjacent park, Community Safety and Public Realm Improvements, and Local Employment, Training and Skills Development Initiatives; monitoring fees associated with a Air Quality Dust Management Plan and Construction Logistics Plan; car permit free restrictions; and s278 highways works. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 16th October 2023
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:

Environment Agency - Planning Liaison
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith

Dated:

16.04.25
17.04.25
12.05.25
09.11.23
28.11.23

Neighbour Comments:

Letters from:

The Hammersmith Society 263 Goldhawk Rd London W12 8EU 10.11.23
4 Gorleston Street London W14 8XS 08.11.23

Dated:

1.0 SITE LOCATION AND DESCRIPTION, AND RELEVANT PLANNING HISTORY

SITE DESCRIPTION

- 1.1 The application site is located on the eastern side of North End Road at the junction with Gorleston Street, a short distance to the south of the junction with Hammersmith Road. It forms the end of a short Victorian terrace, comprising three storey buildings with commercial uses on the ground floors (including another public house at No. 29) and flats above. The two adjoining properties have been extended at roof level.
- 1.2 The site previously comprised a two-storey public house with a mansard-style roof and a chamfered corner elevation. The front elevation of the pre-existing building was significantly recessed relative to the adjoining terrace, with a small forecourt area for the public house in front. There was ancillary HMO-style accommodation above for employees. The demolition of the pre-existing building is associated with the implementation of planning application ref.2018/04146/FUL approved in August 2021, which was for a part two, part four storey building, including further excavation and enlargement of the existing basement, comprising a public house at basement and part of ground floor level and 8 self-contained flats on the upper floors. This is now referred to as the "Extant Permission". At present the site is enclosed by temporary hoarding and the steel frame and basement of the associated Extant Permission is in place.
- 1.3 The site is within the Olympia and Avonmore Conservation Area. The boundary of the Fitz-George and Fitzjames Conservation Area also runs a short distance to the south. Immediately at the rear of the site is Marcus Garvey Park.
- 1.4 According to Transport for London's methodology, the site has a Public Transport Accessibility Level (PTAL) of 6a, which is considered to be excellent. The closest links are Olympia station and Barons Court station, as well as bus links to Central London from Hammersmith Road.
- 1.5 The site falls within the Environment Agency's Flood Zone 1 and is at low risk of flooding from the River Thames.

RELEVANT PLANNING HISTORY

- 1.6 2017/04897/FUL - Erection of an additional floor and a mansard roof at second and third floor level; erection of a rear extension at first floor level on top of the existing back addition, in connection with the conversion of the existing flat at first floor level into 5no. self-contained flats at first, second and third floor level; retention of the current use of the ground floor and part of the basement as a Public House; retention of the remainder of the existing basement for cycle storage, domestic refuse and recycling; and replacement of 2no. doors to the side (South) elevation at ground floor level with 2no. windows within the existing openings. Approved 06.07.2018. Not implemented.
- 1.7 2018/04146/FUL - Demolition of the existing building and the erection of a replacement part two, part four storey building including further excavation and enlargement of the existing basement to include a new lightwell fronting Gorleston Street elevation comprising a public house (Class A4) at basement and part of ground floor level, 3 x studio, 3 x 1 bedroom and 2 x 2 bedroom self-contained flats at first, second, third and part of ground floor level. Approved 26.08.2021. Works have commenced. Now referred to as the "Extant Permission".
- 1.8 2022/03211/FUL - Redevelopment of the site comprising the erection of a replacement part two, part four storey building, including further excavation and enlargement of the existing basement to include 2 new lightwells fronting Gorleston Street elevation, comprising 10 self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage.
- 1.9 The application differed from the Extant Permission (ref: 2018/04146/FUL) in the following summarised ways:
- Retention of a public house at ground and basement floor levels replaced by residential floorspace in the form of two additional maisonettes
 - 10 units proposed instead of 8, and alteration to the mix
 - Realignment of front building line on North End Road
 - Enlargement of basement under the new building footprint above
 - Increased height of the building from 17.43m to 17.66m
 - Revised design
- 1.9 The application was refused 31.07.2023 for the following summarised reasons:
- 1) Failure to make suitable provision for affordable housing (payment in lieu contribution not agreed)
 - 2) Design and Appearance: failure to integrate into the architectural design of the existing subject terrace, and harm to character and appearance of the Olympia and Avonmore Conservation Area
 - 3) Inadequate living environment: substandard levels of outlook and prospect, daylight and sunlight, privacy and amenity space; and poor security due to a lack of defensible space.
 - 4) Impact to residential amenity of neighbouring properties: loss of daylight and sunlight
 - 5) Cycle Parking: basement location fails to provide convenient and accessible cycle parking facilities
 - 6) Flood Risk: failure to demonstrate flood risk is minimised and mitigated for future occupants of the development.

7) Energy and Sustainability: failure to demonstrate compliance with energy conservation, reduction of CO2 emissions and sustainability policy requirements.

1.10 A subsequent appeal (appeal ref. APP/H5390/W/19/3235745) was dismissed on 04.09.2024 with the Inspector supporting the Council in respect to reasons 1) affordable housing (payment in lieu offering not agreed); 3) inadequate living environment (only in respect to lack of defensible space for ground floor flat and inadequate GIA to balance absence of private amenity space); 4) residential amenity; and 5) cycle parking. The Inspector did not support reason 2) design and appearance. During the course of the appeal reasons 6 (flood risk) and 7 (energy and sustainability) were conceded by the LPA following receipt of further information which addressed the concerns raised.

2.0 PROPOSAL

- 2.1 The current application seeks to erect a part two storey, part four storey building, including further excavation and enlargement of the existing basement to include 2no. new lightwells fronting Gorleston Street elevation, comprising 9no. self-contained flats (Class C3); associated rooftop plant and enclosure, and PV panels; private amenity space; and refuse and cycle storage. (Revised plans)
- 2.2 The proposals follow on from planning application ref: 2018/04146/FUL (the Extant Permission), and includes the following changes:
- Public house at ground and basement floor levels replaced by residential floorspace in the form of two additional maisonettes
 - 9 units proposed instead of 8, including alteration to size and mix of units
 - Enlargement of basement to align with front building line of adjoining terrace.
 - Revised design
- 2.3 In comparison to the dismissed appeal application ref. 2022/03211/FUL, the main changes include:
- Reduction in scale of building to within envelope of the Extant Permission building
 - 9 units proposed instead of 10, including alteration to size and mix of units
 - Relocation of cycle storage to ground floor level

3.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

- 3.1 A site and press notice were published to advertise this application and notification letters were sent to the occupants of 111 surrounding properties.
- 3.2 A total of 1 representation was received raising objection. A summary of the comments is provided below:
- o Permission has previously been refused for a similar development on grounds relating to loss of sunlight/daylight.

- 3.3 1 representation has been received from The Hammersmith Society objecting to the application on the following grounds:
- o The application proposal, and the consented scheme which precedes it, proposes to restore the corner building which is missing from this traditional terrace of shops.
 - o The new building design should respond to the conservation area character profile, which notes that "... the character of the conservation area is derived from the groups of terraces and their uniform appearance and form...The architectural character of the buildings within a street is key to defining its character...'
 - o While the approved design (2018/04146/FUL) uses brick walls, delineated window openings and a mansard roof, features reminiscent of the street style, the architectural features on the current application design (2023/02712/FUL) are out of alignment with the features on the terrace it is extending. The new jigsaw piece doesn't fit.
 - o Some subtle but critical patching is essential between the new and old, introducing: (i) continuity of the strong horizontal line of the existing shopfront signboards - perhaps by string course, render or brick detail (ii) a visually strong parapet line, echoing the wide rendered band which is a dominant feature of the existing terraces, (iii) raising of the parapet, to reduce the exposure of the overbearing roof form, which is largely concealed on the adjacent buildings.
 - o All these modifications are already provided for in the consented scheme, and should be maintained in any replacement proposals.
- 3.4 During the course of the application revised drawings were received to reduce the scale and massing of the building to reflect the Extant Permission. Notification letters were resent to the occupants of surrounding properties. No representations were received.
- 3.5 The Hammersmith and Fulham Historical Society; Fulham Society; and Hammersmith and Fulham Historic Buildings Group were also consulted on the planning application and have not made any comments.

+ Technical Consultations

- 3.6 Thames Water recommend a condition requiring a Piling Method Statements; and informatives relating to water pressure and Groundwater Risk Management Permit
- 3.7 Metropolitan Police Designing Out Crime Officer (DOCO) recommends the applicant completes the SBD accreditation process to achieve a SBD certificate.
- 3.8 HSE have responded to state this planning application does not fall under the remit of planning gateway one, because it does not meet the height condition of a relevant building.
- 3.9 The London Fire and Emergency Planning Authority; Environment Agency; and Civil Aviation Authority were consulted on the planning application and have not made any comments.

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.

5.0 PLANNING ASSESSMENT

The main considerations material to the assessment of this application have been summarised as follows:

- 5.1 Principle of Land Use (loss of public house; provision of residential units);
- 5.2 Housing Supply (density/housing mix/affordable Housing provision);
- 5.3 Quality of the Residential Accommodation;
- 5.4 Accessibility; Secure by Design; and Fire Safety
- 5.5 Design and Heritage
- 5.6 Residential Amenity (daylight and sunlight/outlook/privacy/noise)
- 5.7 Highways and Transportation
- 5.8 Flood Risk and SUDS
- 5.9 Energy and Sustainability
- 5.10 Air Quality
- 5.11 Land Contamination
- 5.12 Arboriculture, Ecology and Biodiversity
- 5.13 Economic Development and Skills Training

5.1 LAND USE

LOSS OF PUBLIC HOUSE

- 5.1.1 Public houses are protected by policy in both the Local Plan and the London Plan as well as within the NPPF. Whilst the pre-existing public house has been demolished the Extant Permission includes a replacement, with capacity for over 70 covers, provided within the front part of the development's ground floor and the whole of the basement level. Retention of the approved public house was then secured in perpetuity as part of the associated S106 agreement. The retention of a public house or other commercial use at ground and basement floor levels is no longer proposed, and instead the residential floorspace will be increased in the form of two additional maisonettes.
- 5.1.2 Local Plan Policy TLC7 seeks to protect public houses and permission is only granted where:
 - a. a viability report that demonstrates that the public house is no longer economically viable, including evidence of active and appropriate marketing for a continuous period of at least 12 months;
 - b. the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision;
 - c. the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance; and
 - d. the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.

- 5.1.3 The policy states that where the evidence demonstrates to the council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the council will require the building to be retained.
- 5.1.4 The protection of public houses is also emphasised in London Plan Policy HC7 whereby boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities. Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 5.1.5 Under planning application ref. 2022/03211/FUL officers did not object to the principle of the permanent loss of a public house on the site. In more detail, the pre-existing public house building was not listed and it was not considered to make a significant contribution to the local distinctiveness of the streetscape in terms of heritage and design. Indeed, the building's demolition was already accepted as part of the previously approved 2018 application (Policy T7(c) and (d)).
- 5.1.6 Separately, in accordance with point a) of Policy TLC7, marketing reports were submitted to the council which confirmed the premises had been continuously marketed for more than 12 months and in different years (2016 and 2019 respectively). Evidence at the time showed that there was interest in the property for different uses but due to some site constraints the offers received were not pursued further. In relation to the 'economic value' of the approved replacement pub, the planning application was also supported by a Viability Assessment, prepared by Davis Coffey Lyons, which assessed the likelihood of a new pub operator to invest in the approved replacement public house and run it profitably in the long term. It is concluded the small public house, due to most of its accommodation in a windowless basement, the absence of an outside trading space, together with the high level of competition in the area (measured in both 0.5 miles and 1 mile radius), most notably the development of Olympia with more than 20 bars and cafe outlets, would experience reduced trading potential and would not be an attractive prospect for potential operators.
- 5.1.7 The observations of the Viability Assessment were also reinforced by a letter prepared by a local Estate agent who concluded 'it will be very unlikely to find a buyer/ tenant for the new commercial unit, as the competition, especially with the new Olympia hub, is so significant.'
- 5.1.8 In accordance with Policy TLC7(b) it was noted the neighbouring Cumberland Arms (3 doors down) offers space for hire and also organises cultural events on site. Furthermore, the Avonmore Library and Neighbourhood Centre, located at a walking distance of just 300 metres from the site, offers space for and organises community events. Olympia, once complete will also provide a role in supporting local community interaction.

5.1.9 In view of the submitted marketing and viability evidence, the provision of alternative public houses and community facilities nearby, and together with there not having been a public house operating on the site since 2016, there was no objection to the permanent loss of a public house on this site under ref. 2022/03211/FUL. There has been no change to the policy framework since the determination of the aforementioned application which would alter the above view in respect of the current planning application.

5.2 HOUSING SUPPLY

5.2.1 London Plan Policy H1 requires an annual average of 66,000 net additional homes to be delivered with Table 4.1 setting an annual target of 1,609 net additional dwellings for Hammersmith and Fulham. Policy HO1 of the Local Plan, seeks to exceed an annual target of 1031 until 2025 and continue to seek a minimum of 1,031 net additional dwellings per year up until 2035. The current proposal would provide a net increase of 9 self-contained residential units replacing the previous staff accommodation, as well as a net increase of 1 self-contained residential unit in comparison to the Extant Permission, which would contribute to the Borough's targets in accordance with the abovementioned policies.

+ Density

5.2.2 In order to optimise the use of land London Plan Policy D3 and GG2 state development should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In considering appropriate residential densities, London Plan Policy D3 moves away from a focus on numerical density ranges towards a focus on a design-led approach, that also takes into account existing and planned infrastructure provision. Para. 3.3.21 states comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units.

5.2.3 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments. It recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity.

5.2.4 The proposed development (0.02 hectares) would result in a residential density of approximately 450 units per hectare, which is compatible with the density character of the immediate area. The proposed scheme has been designed to take account of its local context in terms of the form and character of surrounding development, impact on neighbours, as well as complying with the Council's standards on the size of residential units. In accordance with the above Policies, the proposed 9-unit scheme on this small site within an urban area would make efficient use of this land and would contribute to the overall housing need in the Borough.

+ Housing Mix

5.2.5 London Plan Policy H10, together with the Mayor's Housing SPG seek to promote housing choice and a balanced mix of unit sizes within new developments. Local Plan Policy HO5 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation (3 bed or more). The justification to Policy HO5 makes clear that 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.

5.2.6 The Extant Permission comprises the following mix:

Studio x 3 (37.5%)
1 bed x 3 (37.5%)
2 bed x 2 (25%)

5.2.7 The current proposal comprises the following mix:

Studio x 4 (45%)
1 bed x 2 (22%)
2 bed x 2 (22%)
3 bed x 1 (11%)

5.2.8 The proposal would provide an improved mix of units compared to the Extant Permission by introducing a large 3 bed 6 person maisonette. This approach is welcomed and supported under London Plan Policy H10 and Local Plan Policy HO5.

+ Affordable Housing

5.2.8 Policy HO1 of the Local Plan sets out the Council's objective of delivering housing from a range of sources. All development should contribute to boosting overall supply, including market and affordable housing, by optimising land opportunities.

5.2.9 Both Local Plan Policy HO3 and London Plan Policy H4 identify the demand for affordable housing as a key issue, and the explanatory text to Policy HO3 identifies that within Hammersmith and Fulham there are nearly 2,000 applicants on the housing register and nearly 1,400 households in temporary accommodation.

5.2.10 London Plan Policy H4 requires 50 per cent of all new housing delivered to be genuinely affordable. London Plan Policy H5 identifies a 35% threshold for all sites above ten units except (only) for land in public ownership or public use, to which a 50% threshold applies. Where applications do not meet the requirements set out in Part C of the policy, a Viability Tested Route must be followed.

5.2.11 Local Plan Policy HO3 sets a borough-wide target of at least 50% of all dwellings built to be affordable. Of this, 60% should be for social or affordable renting, especially for families, and 40% should be for a range of intermediate housing. Policy HO3 also states that in negotiating for affordable housing in a proposed development, the Council should still seek the maximum reasonable amount of affordable housing and take into account:

- site size and site constraints;
- financial viability, applying the principles set out in the Viability Protocol;
- individual circumstances and characteristics of the site.

5.2.12 In this case, no affordable housing is offered. The number of residential units proposed is below the threshold for which affordable housing is required. Nonetheless, officers have scrutinised the feasibility of the site to accommodate further residential units.

5.2.13 It is worth noting the creation of 10 units on the site, through a larger building, has already been tested under a previous refusal (ref. 2018/04146/FUL) and subsequent appeal. In that case it was proposed to increase the footprint of the approved building to provide additional flats. The Inspector in considering the appeal agreed that a larger building was deemed to be unacceptable due to the resultant impact upon the daylight and sunlight of neighbouring properties. On this basis, there is no scope to add floor area in order to increase the number of residential units proposed as part of this planning application.

5.2.14 Separately, the quality of the living space of the proposed 10 units was also deemed to be unacceptable under the appeal, with the Inspector noting the majority of the proposed flats only marginally exceeded the minimum space standards without additional internal floorspace to compensate for the lack of external amenity space.

5.2.15 As discussed below, all 9 flats have been designed to meet the minimum GIA, including the provision of additional space to compensate for the lack of private amenity space, and all have acceptable levels of light and outlook. To create additional units within the building envelope proposed would compromise the housing quality, which was not supported by the Inspector. The unit mix is also constrained by the fact that it is not possible to separate the basement from the ground floor, as the basement flats would suffer from very poor quality of residential amenity, and would not meet the required BRE standards for daylight and sunlight. Inevitably, the basement floor space needs to form part of maisonettes (in this case 2 and 3 bed flats), articulated across the basement and the ground floor.

5.2.16 On the basis of the above, Officers consider that it would not be appropriate to include further units within the proposed development in order to meet the affordable housing threshold.

5.3 QUALITY OF RESIDENTIAL ACCOMMODATION

5.3.1 London Plan Policy D6 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. Together with the DCLG's Nationally Described Space Standards (NDSS) it provides detailed standards which set out the minimum level of quality and design that new homes should meet.

5.3.2 Local Plan Policies HO4 and HO11 requires all housing to provide a high-quality residential environment and be well designed internally and externally. Planning Guidance SPD Key Principles HS1 and HS2 are also relevant with regards to internal space and amenity space provision for new dwellings, and reflects the requirements set out in the abovementioned London and NDSS.

5.3.3 Under the recent appeal planning permission was refused for 10 flats due to unacceptable living conditions, namely substandard levels of outlook and prospect; daylight and sunlight to the ground floor and basement flats; privacy and safety (windows at ground floor level with no defensible space); and a lack of sufficient internal living space to compensate for the shortfall of private amenity space. In determining the appeal, the Inspector only agreed with the council on grounds of a lack of defensible space for a ground floor flat fronting Gorleston Street, and inadequate GIA to offset the absence of private amenity space.

5.3.4 In summary, the current proposals have reduced the number of flats to 9, altered the housing mix, and rearranged the layouts to address the concerns regarding the lack of additional internal floorspace; and the ground floor window to the Gorleston Street frontage has been removed.

+ Internal space standards:

5.3.5 Unit sizes - Table 3.1 of London Plan Policy D6, the NDSS and Planning Guidance SPD Key Principle HS2 set out space standards for different residential units, to ensure new homes are fit for purpose and of the highest residential quality.

5.3.6 For the units proposed as part of this scheme the standards would be as follows:

- studio flats - minimum 37sqm (43.34sqm, 42.37sqm, 48.65sqm and 42.01sqm)
- 1b2p - minimum 50sqm (57sqm and 55.12sqm)
- 2b3p - minimum 61sqm (67sqm)
- 2b4p - minimum 70sqm (94.17sqm)
- 3b6p - minimum 95sqm (118.92sqm)

5.3.7 Due to a reduction in the number of flats, the altered the housing mix and rearranged layouts all of the units exceed the minimum standards for their given size, and include additional internal living space to compensate for the lack of private external amenity space. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.

+ Ceiling Heights

5.3.8 To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan Policy D6 and SPD Key Principle HS2 require a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area of each dwelling.

5.3.9 The proposed floor to ceiling heights would accord with the above requirement.

+ Aspect, light, outlook:

5.3.10 The reception of light and outlook is important to the quality of life. Dual aspect dwellings, with opening windows on at least two sides, have many inherent benefits including better daylight, greater chance of direct sunlight for longer periods, natural cross ventilation, and greater capacity to address overheating, mitigating pollution, a choice of views and greater flexibility in use of rooms. While the amount of single aspect units should be kept to a minimum, it is acknowledged this will vary according to the specifics of each site and the design rationale for their use. Planning Guidance SPD Key Principle HS2 state developments should minimise the number of single aspect dwellings, and single aspect dwellings that are north facing should be avoided.

5.3.11 With the exception of Flat 4 at first floor level, all 9 flats would be dual aspect. Although Flat 4 is single aspect (north facing) it would be of a generous size, with a view across Marcus Garvey Park.

5.3.12 A daylight and sunlight report supports the application which includes an assessment of the new residential units. The report is based on the latest 2022 revision of the BRE guidelines and uses the illuminance (daylight) and sunlight exposure methodologies.

5.3.13 Daylight Illuminance methodology uses Climate Based Daylight Modelling (CBDM) to determine the levels of illuminance (lux) achieved from daylight for at least half of the daylight hours in a typical year. The UK National Annex gives illuminance recommendations of 100 lux in bedrooms; 150 lux in living rooms; and 200 lux in kitchens. It is recommended that at least 50% of a room should exceed the recommended lux, for 50% of the total daylight hours in a year, for its use.

5.3.14 The BRE no longer recommends the use of the APSH assessment to assess sunlight potential in new dwellings, and instead concludes that a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90 degrees of due south; and a habitable room, preferably a main living room, can achieve a total of at least 1.5 hours of sunlight on 21 March.

5.3.15 With the exception of the basement bedrooms serving the maisonettes (Flats 1 & 2) all rooms within the proposed development would achieve the target median illuminance (daylight) and sunlight for their intended room use. Although the bedrooms at basement level would fail to achieve the required level, this aspect of the development remains as per the recent appeal application, whereby the Inspector did not support the council's view that such failure would compromise the quality of the living accommodation of those flats.

5.3.16 In determining the appeal the Inspector noted the bedrooms would fail to achieve both the target daylight and sunlight required for their intended use, however stated:

Para.41 "Nonetheless, the main living areas for Flats 1 and 2 exceed the BRE Guidance daylight requirements. This approach to the internal configurations of these flats is in line with the BRE Guidance which says that in respect of new development: 'Living rooms and kitchens need more daylight than bedrooms, so where there is a choice it is best to site the living room or kitchen away from obstructions. Dual-storey maisonette-type apartments may be planned with the main living rooms on the upper storey and the bedrooms on the lower floor for this reason.'

5.3.17 In terms of sunlight, the south facing rooms assessed achieve the BRE's sunlight requirements. The north facing ground floor rooms of flat 2 (maisonette) and flat 4 at first floor level would fail to meet the minimum requirements. However, in a similar scenario under the appeal the Inspector noted that because the windows are north-east facing they therefore cannot be expected to achieve good levels of sunlight. Consideration was also given to the rooms benefitting from acceptable levels of daylight, and the "attractive outlook towards the Park". On this basis, given the same circumstances apply in this case it would be unreasonable to refuse planning permission due to the shortfall in the receipt of sunlight.

5.3.18 On this basis, the overall level of outlook and sunlight/daylight provided to the units within the development would be acceptable.

+ External amenity space/playspace:

5.3.19 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. Planning Guidance SPD Key Principle HS1 require a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. Key Principle HS1 also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and for family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. The policies do however recognise that in some cases, site constraints may make it impossible to provide private open space for all dwellings.

5.3.20 Amenity space is limited to the lightwells serving the bedrooms of the maisonettes at ground and basement level. Given the very tight parameters for this site, Officers acknowledge the provision of private outdoor amenity space is extremely difficult to achieve, particularly given the proximity of the building to the adjoining property and those on the opposite side of Gorleston Street, giving rise to privacy concerns as far as balconies would be concerned. As mentioned earlier the equivalent area of floorspace has been afforded to each of the flats in lieu of the private outdoor space requirement. This would address the Inspectors concerns in determining the recent appeal.

5.3.21 Separately, consistent with the Extant Permission and the recent appeal, the applicant has agreed to a financial contribution towards improvements to Marcus Garvey Park directly to the rear which would also benefit future occupiers of the development.

5.3.22 On this basis, the lack of private outdoor amenity space has been sufficiently mitigated.

5.3.23 Overall, for the reasons set out above, Officers are satisfied that the development would provide a suitable standard of accommodation in accordance with London Plan Policy D6, Local Plan Policies HO4, HO11, CC11 and CC13 and the DCLG's Nationally Described Space Standards.

5.4 ACCESSIBILITY; SECURE BY DESIGN; AND FIRE SAFETY

+ Accessibility

5.4.1 London Plan Policy D7 and Local Plan Policy HO6 require 90% of new units to be built to building regulations standard M4(2) 'Accessible and adaptable buildings', with the remaining 10% built to standard M4(3) 'Wheelchair accessible dwellings'.

5.4.2 In accordance with the above standard it is proposed that Flat 4 would be built to M4(3) wheelchair accessible standard whilst the remainder would all be M4(2). The development would also provide level access compliant with M4(2) of the Building Regulations to all flats via a passenger lift. The application is supported by detailed plans to demonstrate compliance, which will be secured by a condition.

5.4.3 The development is proposed to be car-free, with no dedicated on-site parking. However, on-street parking is available for Blue Badge holders on Gorleston Street and the existing dropped kerb area at the corner of the road could be used as a drop-off point for wheelchair users.

+ Secure by Design

5.4.4 London Plan Policy D11 and Local Plan Policy DC1 require new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Full details of how the proposal will incorporate measures for crime prevention will be secured by a condition.

+ Fire Safety

5.4.5 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, London Plan Policy D12 recommends the fire safety of developments to be considered from the outset. London Plan Policy D12 states that 'all development proposals must achieve the highest standards of fire safety' and the requirements are set out in Section A (criteria 1-6).

5.4.6 As required a Fire Safety Statement, prepared by an independent and suitably qualified third party, has been submitted in support of the proposal. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) because the height condition is not met, and the HSE have confirmed their consultation is therefore not required. The Fire Strategy evaluates the proposal alongside British Standards, demonstrating the fire safety measures to be implemented as part of this development in respect to life safety of the occupants and facilitating adequate fire service access. Officers are satisfied that the submitted Fire Safety Statement provides sufficient information for the planning stage, however fire safety compliance will be subject to final approval under Building Regulations.

5.5 DESIGN AND HERITAGE

5.5.1 The NPPF states 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. The NPPF (section 16) 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.

5.5.2 Section 72 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.'

5.5.3 London Plan 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.

5.5.4 Policies DC1 and DC2 of the Local Plan 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.

5.5.5 Local Plan Policy DC8 states that the council will '...aim to protect, restore or and 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 SPD Key Principle CAG3.

- 5.5.6 The significance of the Olympia and Avonmore Conservation Area is defined by both its key location on a main arterial route and its quiet backwater atmosphere. Within the conservation area there are various uses and scales of development, and the Conservation Area Profile sets out 5 Sub-areas of differing character. The premises fall within Sub-area B, Bishop Kings Road and the buildings lining this part of North End Road are mainly mid to late Victorian of varying architectural styles and of 3-4 storeys in height. The Edwardian former Grade II Listed West London County Court also falls within this group. Marcus Garvey Park is an important open area with paths, seating and planting that enhances the character of the conservation area. The boundary of the Fitz-George and Fitzjames Conservation Area also runs a short distance to the south.
- 5.5.7 The demolition of the pre-existing public house was already accepted under the Extant Permission. The building was not considered to make a significant contribution to local character and distinctiveness. The building was also not considered to be of any particular historic or architectural merit and made a neutral contribution to the character and appearance of the conservation area. As such no objections were raised to its demolition subject to the provision of a high quality replacement building.
- 5.5.8 The Extant Permission includes a traditional approach to 'repair' the street frontage on this section of North End Road with a replacement building. The current proposal includes a building of similar scale and height as the Extant Permission, however proposes a more contemporary design.
- 5.5.9 It is worth noting, under the previous refusal a more contemporary building was also proposed. While officers did not object to the materiality of the new building, they did not consider that the detailed design and articulation of the elevations provided the design quality required to preserve and enhance the conservation area in such a prominent corner location. In particular, it was noted the hierarchy of the floor proportions and fenestration, the fascia and parapet lines, and the loss of the active frontage at ground floor level within this parade failed to provide a continuity with the existing terrace.
- 5.5.10 However, in determining the subsequent appeal, the Planning Inspector did not support the council's view. In particular the Inspector noted:

Para 13 "The overall scale of the proposed building would assimilate with the varied scale of nearby buildings. The proposed design utilises a palette of contemporary materials which are influenced by the surrounding buildings. With its vertical alignment of window openings and the mansard roof, the proposed design also adheres to the general arrangement and form of the immediate street scene."

Para 14 "The wider block is characterised by taller ground floor heights for the shop units and public house with a fascia band at the top. Second floor windows are lower in height than the first floor windows. This arrangement creates a hierarchy of fenestration. Even so, the windows along the upper floors are not aligned along this block. There are also examples of buildings in the area, for example, along Gorleston Street, where those which incorporate a hierarchy of fenestration adjoin those without this arrangement. Therefore, the use of similar sized fenestration between different floors of the proposed building and the slightly lowered window line along the upper floors is acceptable."

Para 15 "In principle, the Council has agreed a wholly residential development at the appeal site. As such, a commercial frontage is not required. Nonetheless, the proposed scheme introduces an alternative treatment in the form of green ceramic tiles to the ground floor façade of the building along North End Road. This, along with the proposed frontage planting would give the ground floor a degree of contrast and presence, relative to the upper floors of the building. This arrangement would also complement the neighbouring shop fronts and tiling along the façade of the public house. Whilst there would be some misalignment between the top of the proposed tiled section of the ground floor and the fascia band for the adjacent shop front, this would be absorbed by the offset between the facades of these buildings."

Para 16 "The roofscape for 31 and 33 is characterised by a deep and continuous parapet with recessive mansard roofs and small dormer windows set behind the parapet. However, the wider roofscape along North End Road does feature taller buildings and those with more prominent mansard roofs."

5.5.11 Based on the above, the Inspector concluded in para's 19 and 20 "Overall, the proposed building would be a well-designed, proportionate, contemporary and acceptable addition to the street scene. For the above reasons, the proposal would not harm the character and appearance of the area or the Olympia and Avonmore Conservation Area. This accords with the requirements of London Plan Policies HC1 and D3, and Local Plan (2018) ('LP') Policies DC1, DC4 and DC8. Amongst other matters, these policies seek to ensure that developments are compatible with and respect their context, as well as conserving or enhancing heritage assets."

5.5.12 In order to address previous concerns relating to residential amenity, the proposed building reflects the Extant Permission (2018/04146/FUL) in terms of its overall height, scale and massing, with some minor, insignificant protrusions at roof level, and therefore officers consider its overall height, scale and massing to be acceptable.

5.5.13 The architectural design and detailing however are closely similar to the scheme that was ultimately dismissed at appeal (2022/03211/FUL) on grounds unrelated to considerations of design and conservation matters. Accordingly, based on the assessment and conclusions made by the Inspector, the proposed architectural design and detailing in this case is acceptable.

5.5.14 To ensure the proposal achieves a highway quality design and appearance, it is recommended conditions are attached to secure details in plan, section and elevation of typical bays, rooftop plant and PV panels at a scale of 1:20, and samples of materials palette.

5.5.15 Overall, taking into account the appeal decision and subject to the abovementioned conditions, the proposed building would not have any harmful impacts upon the setting of the Olympia and Avonmore Conservation area or the setting of the abovementioned nearby heritage assets, and is therefore considered acceptable in terms of the impact on visual amenity, in accordance with the above the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan Policies D3 and HC1, and Local Plan Policies DC1, DC4 and DC8.

5.6 RESIDENTIAL AMENITY

5.6.1 Local Plan Policy HO11 states that proposals will be considered acceptable where it can be demonstrated that there is no detrimental impact on:

- Privacy enjoyed by neighbours in adjoining properties;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties; and
- Openness between properties.

5.6.2 Policies DC1 and DC2 require all proposals for new builds to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

5.6.3 The neighbouring residential properties that potentially stand to be most impacted by this development are Nos. 31, 33 and 39 North End Road; and 4 Gorleston Street. The new-build flats at Nos. 6-12 Gorleston Street are located diagonally opposite from the site, and it is not considered that the development would result in any significant impacts to that building.

5.6.4 In order to address concerns raised under the appeal application in respect to residential amenity (namely loss of daylight/sunlight to neighbouring properties), the current proposal has been amended to replicate the building already approved under the Extant Permission in terms of scale, height and massing.

+ Privacy

5.6.5 As per the Extant Permission the proposed building retains a separation distance of just over 8 metres between the proposed south elevation of the development and the residential windows at 39 North End Road and 4 Gorleston Street on the opposite side of the road, infringing the 18-metre minimum separation distance set by Key Principle HS7(iii) of the Planning Guidance SPD. However, there was an existing similar relationship between first floor residential windows on the pre-existing building and the properties opposite. Separately, the proposed building would have fewer windows per floor compared to the Extant Permission, thereby having a lesser overlooking impact on 39 North End Road and 4 Gorleston Street. Nonetheless the relationship between windows on opposing sides of the street is a fairly typical relationship in local streets and for this reason Officers consider that the development would not be unneighbourly.

5.6.6 There would be a window at both second and third floor level to the northern elevation, however this would also be a reduction to the Extant Permission. Nonetheless the proposed windows would be positioned at an oblique angle to the windows in nos. 31 and 33 North End Road to avoid overlooking.

+ Daylight and Outlook:

5.6.7 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.

5.6.8 The Extant Permission was accompanied by a detailed daylight and sunlight assessment which considered the impact to the following properties:

- o 6-12 Gorleston Street
- o 4 Gorleston Street
- o 31 North End Road
- o 33 North End Road
- o 39 North End Road

5.6.9 Whilst the Extant Scheme did not strictly accord with all relevant tests outlined in the BRE Guidance, this was interpreted flexibly, and the scheme was considered acceptable with regard to other matters.

5.6.10 Under the recent appeal planning permission was refused for a building larger than that approved under the Extant Permission on grounds relating to additional loss of sunlight and daylight to neighbouring properties. In determining the appeal the Inspector agreed that the additional loss of sunlight and daylight relative to the fallback scheme (Extant Permission) would constitute an inappropriate and unneighbourly form of development.

5.6.11 In response, the proposed building has been amended to sit within the envelope of the Extant Permission. A further assessment has been undertaken whereby the Extant Permission has been assessed as a hypothetical baseline against the Proposed Development. For consistency, the same properties have been assessed.

5.6.12 The results show that, given the proposed building is of a similar scale, massing and height to the Extant Permission, there would be no noticeable change to the daylight and sunlight levels to neighbouring properties beyond what has already been considered. For the same reasons it is not considered the proposal would result in noticeable additional loss of outlook beyond what has already been considered. On this basis the proposal is acceptable.

+ Environmental Nuisance

5.6.13 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

5.6.14 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.

5.6.15 Conditions relating to enhanced sound insulation, plant noise levels and plant anti-vibration measures would be attached.

+ Building Works

5.6.16 In accordance with SPD Key Principle NN7 a Outline Construction Management Plan (CMP) supports the application to address disturbance during the building works. Given that the level of detail required will not be available until such a time that the specialist contractors are on board, a final CMP would be secured by a condition if the application were acceptable in all other respects.

5.7 HIGHWAYS AND TRANSPORTATION

5.7.1 The NPPF requires that developments should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved; and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

5.7.2 London Plan Policies T1, T2, T3, T4, T5, T6.4 and T7 set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

5.7.3 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

5.7.4 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".

5.7.5 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. These are supported by Key Principles TR1-TR4, TR6-TR7, TR17 and TR21 and TR27 of the Planning Guidance SPD.

5.7.6 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste. Planning Guidance SPD Key Principles WM1, WM2, WM7 and WM11 are also applicable which seek off-street servicing for all new developments.

5.7.7 In accordance with the above policies a Transport Statement (TS) and a outline Construction Logistics Plan have been prepared to support the planning application.

+ Access

5.7.8 There is no vehicular access for this site which is supported by the Highways Authority. With regard to pedestrian access, this would be from the northern side of Gorleston Street.

+ Car parking

5.7.9 Using Transport for London's methodology, the application site has a PTAL 6a rating, indicating excellent public transport accessibility levels. Accordingly, to be compliant with Policy T6 of the London Plan, Policy T4 of the Local Plan and to prevent an increase in parking stress within surrounding streets, as well as to reduce the impact on air quality which additional car generation would otherwise create, it should be ensured that the proposed residential units are all car parking permit free. The Council's chosen method to ensure car parking permit free development is via a Legal Agreement, and the applicant has confirmed in writing that they are willing to agree a Legal Agreement to secure this. Subject to this, officers are satisfied that the proposal would mitigate against harmfully exacerbating any existing levels of parking stress and congestion within the locality, or from impacting on air quality levels. This is considered to be in accordance with Policy T6 of the London Plan and Policies T4 and CC10 of the Local Plan.

+ Cycle parking

5.7.10 London Borough of Hammersmith and Fulham is a borough where higher minimum cycle parking standards apply. London Plan Policy T5 and Local Plan Policy T3 seek to increase and promote opportunities for cycling and walking, including by requiring new developments to include the provision of convenient, accessible and safe cycle parking. Cycle parking spaces are required to be in a safe, easily accessible and convenient location, must be built for the life of the development and should comply with the West London Cycle Parking Guidance (2017) and London Cycling Design Standards (Chapter 8).

5.7.11 London Plan Policy T5 requires 1.5 cycle parking spaces for all 2-person 1 bedroom dwellings and 2 cycle parking spaces for all other dwellings. Separately, a minimum of 2 short term spaces are required for all residential developments providing between 5-40 dwellings. These are required to be safe, accessible and conditioned for the life of the development.

5.7.12 Under the recent refusal, cycle parking was proposed at basement level. The Inspector agreed with officers that the provision failed to provide convenient and accessible cycle parking facilities to promote opportunities for cycling. In contrast, as per the Extant Permission, the current proposal includes the provision of 13 secure and covered long-term cycle parking spaces at ground floor level within the building's entrance. Separately, 2 short-term visitor cycle spaces are also to be provided within the site on the Gorleston Road frontage. Highways officers have considered the proposed cycle parking and are satisfied the provision is acceptable in terms of the quantum, and the location is safe, accessible and convenient. A condition will secure the implementation of the cycle parking storage.

+ Servicing and deliveries

5.7.13 The proposal provides communal refuse and recycling storage at ground floor level with direct access from Gorleston Street. As per the 'Transport Statement', and the Extant Permission, the refuse collection and deliveries will be carried out on the carriageway of Gorleston Street in accordance with other properties on this road. This is deemed to be acceptable by the Highways Team. A condition will secure the implementation of the refuse/recycling storage.

+ Highway works

5.7.14 The applicant is required to enter into a S278 Agreement to secure highways improvement and reinstatement works along the site frontages of North End Road and Gorleston Street.

+ Building Impacts

5.7.15 To manage the construction phase of the development and the associated impacts of construction traffic accessing the site, the application is supported by a Construction Logistics Plan (CLP). This has been reviewed by the Council's Highways Team who deem the statement to be generally acceptable. A final CLP will be secured by a condition, including associated monitoring fees (secured by a legal agreement), and will remain live a document with ongoing consultation with the Council's Highways Officers.

5.7.16 In summary, there are no objections to the proposal based on highways, traffic or parking. Subject to the outlined conditions and legal obligations the proposal accords with the above policies.

5.8 FLOOD RISK AND SUDS

5.8.1 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

5.8.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.

5.8.3 This site is in the Environment Agency's Flood Zone 1. This indicates a low risk to flooding from the River Thames. The site is also considered to be low risk in relation to surface water flood risks. A basement level is included for the new building so sewer and groundwater flood risks will be present and need mitigating.

5.8.4 The application is supported by a Flood Risk Assessment and SuDS Report (combined). This states that structural waterproofing measures will be incorporated in the basement, including a cavity drainage system, and a pumped system will be used for the basement drainage to help provide protection from sewer flooding.

5.8.5 In terms of the proposals to manage surface water, the main SuDS feature proposed is a blue/green roof system to attenuate stormwater intercepting the building. This will be released in a controlled manner at a discharge rate of 0.68l/s to the sewer network. This represents a reduction of 95% compared to the existing discharge rates. There are also some ground and basement floor/wall areas available which will include rain gardens which will also be fed by water from the roof. Details of how these SuDS features will be operated and maintained is provided.

5.8.6 Thames Water raises no objection subject to conditions relating to Piling Method Statements, and informatives relating to water pressure and Groundwater Risk Management Permit.

5.8.7 The implementation of the flood risk mitigation measures and sustainable drainage measures will be secured by a condition, as will planting details in respect to the green roof/walls. On this basis, officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies cited above.

5.9 ENERGY AND SUSTAINABILITY

5.9.1 London Plan Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund or off-site provided an alternative proposal has been identified and delivery is certain.

5.9.2 London Plan Policy SI 4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

- 5.9.3 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.
- 5.9.4 This is a minor application, and therefore the provision of supporting information on energy and sustainability is not required to demonstrate policy compliance, however it is encouraged.
- 5.9.5 In this case, the application is supported by an Energy Statement which demonstrates that energy efficiency and on-site renewable energy generation (Air Source Heat Pumps and solar PV panels will be installed on the roof) will be incorporated to reduce CO2 emissions. The overall CO2 reduction achieved is 75% which is welcomed for a minor scheme.
- 5.9.6 A Sustainability Statement also supports the application and includes information on water conservation measures and the inclusion of sustainable drainage features; as well as sustainable materials use, ecology measures, and sustainable transport access which have been considered by other specialist officers and commented on under the relevant sections of this report.
- 5.9.7 In view of the above, there is no objection raised on energy and sustainability grounds, under London Plan Policies S1 2 and S1 4 and Local Plan Policies CC1 and CC2.

5.10 AIR QUALITY

- 5.10.1 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. The councils Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.
- 5.10.2 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 5.10.3 Local Plan Policies CC1 and CC10 seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.

5.10.4 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of existing very poor air quality that exceeds the annual mean council 2030 Air Quality targets for Nitrogen Dioxide (NO₂), and Particulate Matter (PM_{2.5} and PM₁₀), due to the road traffic emissions from North End Road. The development will introduce new residential receptors into an area of very poor air quality. The construction and operation of the development also has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. Accordingly, the Council's air quality officer has requested several conditions to capture further mitigation measures, including the submission of an Air Quality Dust Management Plan (AQDMP) and associated monitoring fee (captured by a legal agreement).

5.10.5 Subject to the recommended conditions and obligations no objection would be raised under the NPPF, London Plan Policy SI 1 and Local Plan Policies CC1 and CC10 on air quality grounds.

5.11 LAND CONTAMINATION

5.11.1 Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

5.11.2 Under the Extant Permission conditions relating to the assessment and remediation of contaminated land were discharged. The remaining conditions relating to the submission of a verification report and an onward long-term monitoring methodology report will be reattached.

5.11.3 Subject to the conditions recommended above, no objection would be raised under Local Plan Policy CC9 on land contamination grounds.

5.12 ARBORICULTURE, ECOLOGY AND BIODIVERSITY

5.12.1 London Plan Policy G7 and Local Plan Policies OS1 and OS5 seek to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.

5.12.2 As stated earlier, provisions are being made to green the area through the addition of ground floor planting, basement green walls and a green roof, which is an improvement to the existing situation which features no soft landscaping. No planting scheme has been provided at this stage, and so a condition is imposed to secure the submission of a landscaping plan and associated maintenance plan. As requested by the Ecology Officer the planting schedule should aim for 50% native species.

- 5.12.3 In addition a condition will also secure a simple ecological enhancement to the site in the form of a bird box to the North East face of the building which faces Marcus Garvey Park. Local records show that London Priority species of house sparrows and swifts are present near to site and therefore these would be suitable species to target.
- 5.12.4 There are no trees within the existing site, however there are 2 trees adjacent to the rear of the site. An Arboricultural Impact Assessment and Method Statement supports the application, which demonstrates measures to be implemented to retain the existing trees. The tree protection measures will be secured by condition.
- 5.12.5 Separately, as per the Extant Permission, and supported by the Inspector in the recent appeal, the applicant has agreed to a financial contribution of towards environmental improvements to Marcus Garvey Park.
- 5.12.6 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024 and for minor development proposals from 2nd April 2024. The subject planning application was submitted in November 2023, predating the current legislation, and is therefore exempt from BNG.
- 5.12.7 In summary, subject to the inclusion of conditions and legal obligation officers consider that the proposed development accords with Policy G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of arboriculture, ecological and urban greening.

5.13 ECONOMIC DEVELOPMENT AND SKILLS TRAINING

- 5.13.1 Policy E11 of the London Plan 'Skills and opportunities for all' requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. Local Plan Policy E4 'Local Employment, Training, and Skills Development' echoes this requirement compelling provision for appropriate employment and training initiatives for local people of all abilities in the construction of major developments.
- 5.13.2 In accordance with the above policies, contributions would be required towards the provision of appropriate employment and training initiatives for local people of all abilities during the construction phase of the development (i.e. apprenticeships and paid and unpaid work placements) as well as contributions to support the procurement of local labour. The applicant has agreed to enter into a legal agreement to secure support for employment, training and local business.

6.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

- 6.1 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 £61,040 (plus indexation).
- 6.2 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 £152,600 (plus indexation).

+ Legal Agreement

- 6.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 6.4 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."
- 6.5 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).
- 6.6 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.

- 6.7 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

- 6.8 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) A financial contribution of £44,000 towards environmental improvements to Marcus Garvey Park
 - 2) A financial contribution of £100,000 towards community safety and public realm improvements
 - 3) Employment and skills/ local procurement comprising:
 - a. A financial contribution of £17,284 (£13,080 E&S + £4,204 LP) to support delivery of the Council's Industrial Strategy "Upstream London", including to support employment, skills and local procurement activities.
 - b. At least 10% of the total number of people employed during the development are local (H&F) residents, including:
 - 1 apprenticeship
 - 1 paid work experience placements lasting at least 6 months
 - 1 unpaid work experience placements for local (H&F) residents and students of local (H&F) schools lasting at least 4 weeks
 - c. Local (H&F) businesses are procured in the supply chain of the construction of the development to a value of at least 10% of the build costNone of these contributions are double counted with any social value contributions committed by a procured developer as part of the procurement process
 - 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 9 residential units to obtain a parking permit
 - 5) Air Quality - £5,000 per annum for the construction phases of the development will be required for the Council's compliance monitoring of the AQDMP (secured by condition) and to maintain the councils Construction Site Monitoring Register Website
 - 6) Construction Logistics Plan (CLP) - contribution of £5,000 per year until completion of construction towards monitoring of CLP (secured by condition)

- 7) Prior to the commencement of development, enter into a S278 Agreement to fund the following Highways Works necessitated by this Development, at the Developer's cost:
 - o Highways improvement and reinstatement works on the site frontages of North End Road and Gorleston Street
- 8) Not to Occupy the Development until the agreed Highways Works, forming the S278 Agreement have been implemented and all Council costs have been met
- 9) A commitment to meet the costs of the Council's associated legal fees

7.0 CONCLUSION

- 7.1 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.
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 7.3 In summary, the permanent loss of a public house on the site has been justified, and the proposed development would contribute towards the quantity of the borough's housing stock. The proposed building is acceptable in visual terms, having regard to the character and appearance of the Olympia and Avonmore Conservation Area and nearby Fitz-George and Fitzjames Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new dwellings meet the minimum standards and provide a good standard of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination, and ecology and biodiversity have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.
- 7.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

8.0 RECOMMENDATION

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