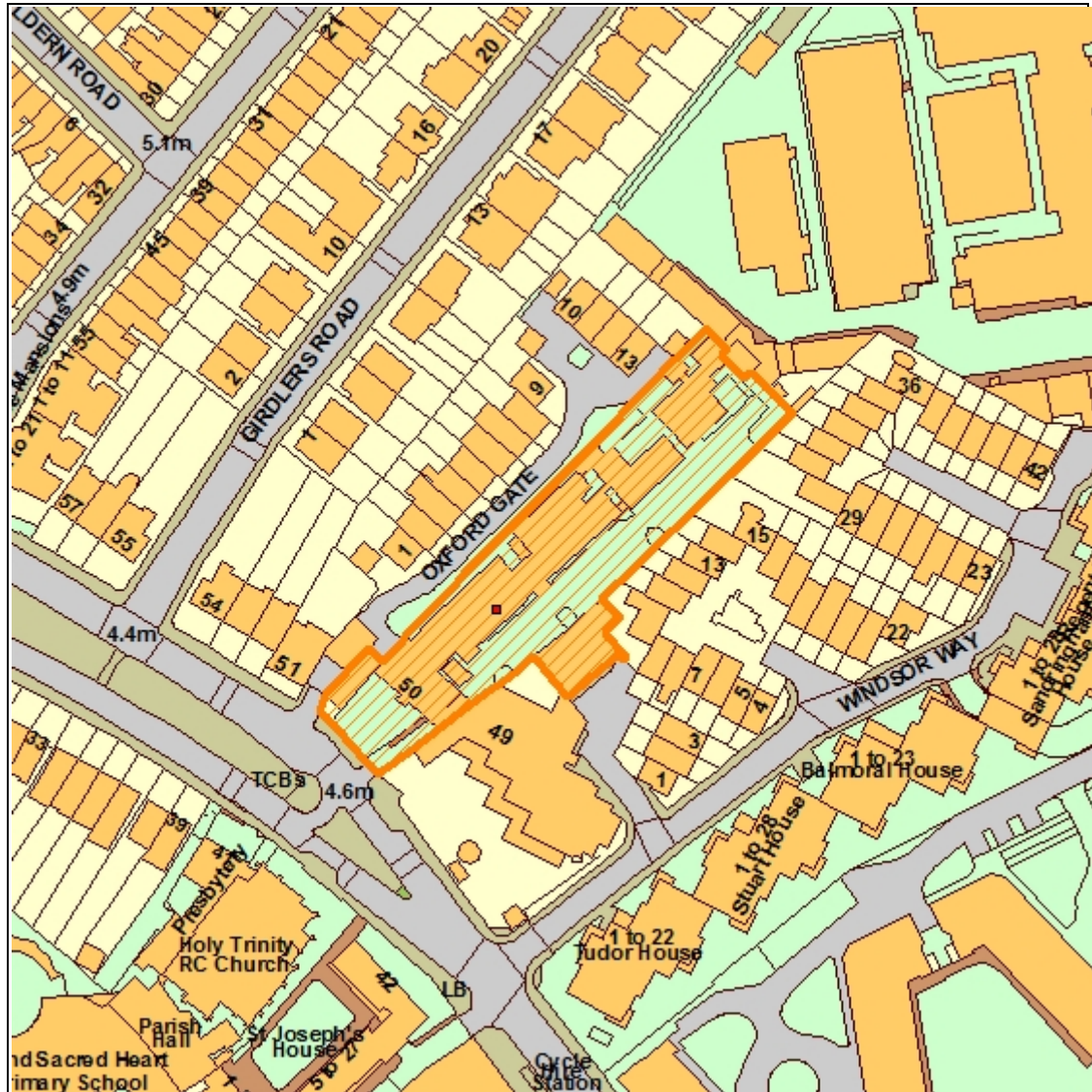


Ward: Brook Green

Site Address:

50 Brook Green London W6 7BJ



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For identification purposes only - do not scale.

Reg. No:
2025/00492/VAR

Case Officer:
Sian Brown

Date Valid:
14.03.2025

Conservation Area:
Brook Green Conservation Area - Number 3

Committee Date:
11.11.2025

Applicant:

Mr Alex Spooner
C/O Agent

Description:

Variation of condition 2 (plans) of planning permission ref: 2020/01849/FUL granted 16th September 2021, as amended under s96a application (ref. 2025/00439/NMAT) dated 16th May 2025, for the 'Change of use from office to residential across Blocks 1-5; including partial demolition and extensions at ground/first floor to blocks 2/3, and at first floor in block 4. Partial demolition and alterations to block 5 and redevelopment of a 3-storey block; with associated bike storage, refuse storage, parking and landscaping and work to trees; single storey gatehouse building in front garden; alterations to existing fenestration.'

Amendments to allow amendments to the approved drawings to include: reduction in number of residential units from 33 to 32, including alteration to size and mix of units; increase to width of existing lightwells to the front of Building 1; relocation of gym to Building 5; formation of new entrances along ground floor comprising of doors to duplex units from the main courtyard; removal of lean to and rear block of Buildings 2 and 3 and replace with new part 1, part 2 storey flat roof extensions; provision of ground floor amenity space adjacent to Oxford Gate with new doors to the rear of Buildings 2 and 3 to allow access to private amenity space; alterations to landscaping including provision of new front gardens to courtyard units; relocation of bike and bin stores; relocation existing ramp to Building 1 and addition of soft landscaping; removal of consented glazed lift and replaced with a solid infill in between Buildings 2 and 3 to match existing facade; omission of sub-station from Building 6; changes to fenestration to match designs of the existing buildings; and replacement of obscured glazing at first floor level of Building 4 with clear glazing.

Drg Nos: Refer to condition 2.

Application Type:

Vary or Delete Conditions Full/Outline

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 the original decision dated 16th September 2021.

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

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

+ Demolition plans:

Site Plan
(PL)02100 P1

Building 1
(PL)B102100 P1
(PL)B102101 P1
(PL)B102102 P1
(PL)B102201 P1

Buildings 2 and 3
(PL)B2302100 P1
(PL)B2302101 P1
(PL)B2302102 P1
(PL)B2302201 P1
(PL)B2302202 P1

Building 4
(PL)B402100 P1
(PL)B402101 P1
(PL)B402201 P1

Building 5
(PL)B502100 P1
(PL)B502101 P1
(PL)B502201 P1

+ Proposed plans:

Site Plan
(PL)03100 P03

Building 1

(PL)B103100 P05
(PL)B103101 P05
(PL)B103102 P05
(PL)B103201 P04
(PL)B103301 P03

Buildings 2 and 3

(PL)B2303100 P05
(PL)B2303101 P05
(PL)B2303102 P03
(PL)B2303201 P04
(PL)B2303202 P04
(PL)B2303202 P05 (including boundary treatment - received 27/10/2025)
(PL)B2303301 P03
(PL)B2303302 P03

Building 4

(PL)B403100 P04
(PL)B403101 P03
(PL)B403201 P05
(PL)B403301 P03

Building 5

(PL)B503100 P06
(PL)B503101 P04
(PL)B503201 P04
(PL)B503301 P03

Building 6

(PL)B603100 P02
(PL)B603201 P04

+ Approved documents:

- o Energy and Sustainability Statement V5, dated 06/02/2025, by Blue Sky U4JD Consulting
- o Flood Risk Assessment and Drainage Strategy Addendum, Revision P01, prepared by Heyne Tillett Steel, dated 13.03.2025
- o Demolition and Construction Management Plan dated 5.11.24, prepared by F3 Group

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

- 3) Any alterations to the elevations of the existing buildings, including works of making good, shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby permitted, a detailed Demolition Logistics Plan in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to, and approved in writing by the Council.

To ensure that appropriate steps are taken to limit the impact of the proposed demolition 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).

- 5) Prior to commencement of the development hereby permitted, a detailed Construction Logistics Plan in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to, and approved in writing by the Council.

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, T7 of the Local Plan (2018).

- 6) Notwithstanding the requirements of conditions 4 and 5, the development hereby approved shall be implemented in full accordance with the approved Demolition and Construction Management Plan dated 5.11.24, prepared by F3 Group.

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).

- 7) All new works and finishes and works of making good to the retained fabric shall match existing adjacent, original work with regard to the methods used and to materials, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

In order to safeguard the special architectural or historic interest of the Buildings of Merit, in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 8) All areas of new brickwork shall match the existing brickwork on the relevant existing part of the buildings in terms of brick colour, bond pattern and mortar colour. Thereafter the development shall be carried out and completed in accordance with the agreed details and thereafter permanently retained as such.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 9) Prior to commencement of the relevant part of the development, details and samples of all materials to be used on the external faces of the buildings 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, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 10) The relevant part of the development hereby permitted shall not commence until detailed drawings, at a scale of no less than 1:20, of a typical bay in plan, section and elevation of:

- a) The rear elevation of the proposed extension at ground and first floor level to the rear of Buildings 2 and 3;
- b) The rear elevation of Building 4;
- c) The front and rear elevation of the proposed extension/pavilion at ground, first and second floor level to Building 5

have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 11) The relevant part of the development hereby permitted shall not commence until detailed drawings, at a scale of no less than 1:20 in plan, section and elevation, of all new external doors and entrances have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 12) The relevant part of the development hereby permitted shall not commence until detailed drawings, at a scale of no less than 1:10 in plan, section and elevation, of each new or replacement window type have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 13) The roof terrace at second floor level at Building 2 shall not be used or occupied until a sample of the obscure glazed screening for the north-west elevation, to be a height of at least 1.7m above finished floor level, has been submitted to, and approved in writing by the council. The screening shall be installed prior to occupation in accordance with the approved details and permanently retained in this form thereafter.

In order to ensure the erection of adequate screening to prevent overlooking and any subsequent loss of privacy, in accordance with Policy HO11 of the Local Plan (2018) and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 14) Buildings 2 and 3 hereby permitted shall not be occupied prior to the submission and approval in writing by the Council of the detailed design including a sample of the obscure glazing to be used in the first floor windows within the rear extensions hereby approved. The windows shall also be designed to be fixed shut up to a height of 1.7m above the finished floor level. No part of the development shall be used or occupied until these windows have been designed and installed so that they prevent overlooking, in accordance with the approved details. The windows shall thereafter be retained in this form.

To protect the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy, in accordance with Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 (ii) of the Planning Guidance Supplementary Planning (2018).

- 15) Prior to commencement of the relevant part of the development hereby permitted, details of the proposed hard and soft landscape works and details of the integrated children's playspace features shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping, including vertical and horizontal greening, shall demonstrate the achievement of an Urban Greening Factor (UGF) of a minimum of 0.4, and details shall include the height and maturity of any trees, and confirmation that all tree planting will consist of UK native/native cultivar species; 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. A planting maintenance plan shall be submitted as part of the details submitted for approval. 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).

- 16) 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, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3, G5, G7 and HC1 of the London Plan (2021), and Policies DC1, DC4, DC8, OS4 and OS5 of the Local Plan (2018).

- 17) Prior to commencement of the development hereby approved, an updated Arboricultural Impact Assessment and Tree Protection Plan, which shall include a schedule and specification of tree works required in order to implement the approved development, shall be submitted to, and approved in writing by, the council. This shall include an assessment of all trees on site, and any trees in neighbouring gardens whose theoretical Root Protection Areas extend into the site. Under no circumstances are trees to be removed from outside of the site. Works shall not commence to any trees until the details have been approved. All work shall be carried out only in accordance with the tree protection measures set out in the approved Arboricultural Impact Assessment and Tree Protection Plan and in accordance with BS3998:2010 Recommendations for Tree Work.

To ensure that trees within and around the site to be retained are protected during the building works, and to ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area, in accordance with Policies D3, G5, G7 and HC1 of the London Plan (2021), and Policies DC1, DC4, DC8, OS1 and OS5 of the Local Plan (2018).

- 18) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevations of the buildings hereby approved.

To ensure a satisfactory external appearance of the development, to preserve the special architectural and historic interest of the buildings of merit and their setting, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 19) With the exception of the installation of PV panels, no alterations shall be carried out to the external appearance of the buildings hereby permitted, including the installation of air-conditioning units, ventilation fans or extraction equipment 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 D3, D14 and HC1 of the London Plan (2021), and Policies DC1, DC4, DC8, CC11, CC13 and H011 of the Local Plan (2018).

- 20) Other than the areas explicitly identified on the plans as a roof terrace on Buildings 2 and 5, no other part of any roof of any extension/building shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, loss of privacy and noise and disturbance, contrary to Policies HO11, CC11 and DC4 of the Local Plan (2018) and SPD Policy HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 21) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the buildings/extension(s) hereby permitted.

It is considered that such structures would seriously detract from the historic interest of the buildings of merit and their setting, in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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 buildings, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings of merit and their setting, in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 23) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details showing the feasibility of 90% of dwellings will be built to building regulations standard M4 (2) 'Accessible and adaptable buildings' Building Regulations requirement, and the remaining 10% will be built to the M4(3) 'Wheelchair accessible dwellings' requirement, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall thereafter be permanently retained.

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).

- 24) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

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).

- 25) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. 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 from transport [industrial/ commercial noise sources], in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Development Management Local Plan (2018).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Development Management Local Plan (2018).

- 27) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details shall be submitted to and approved in writing by the Council, of the sound insulation of the walls/ceiling separating the gym within Building 5 Pavilion from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain noise within the gym to achieve the criteria $L_{Amax,F}$ of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Development Management Local Plan (2018).

- 28) Prior to commencement of the relevant part of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Obtrusive Light 2020' (or other relevant guidance). Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Development Management Local Plan (2018).

- 29) The development hereby approved shall not be occupied until the measures set out in the approved Energy and Sustainability Statement V5, dated 06/02/2025, by Blue Sky U4JD Consulting, have been implemented on site and they shall be permanently retained thereafter.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and S14 of the London Plan (2021), and Policies CC1 and CC2 of the Local Plan (2018).

- 30) The development shall only be carried out in accordance with the flood mitigation and SUDS measures set out in the approved Flood Risk Assessment and Drainage Strategy Addendum, Revision P01, prepared by Heyne Tillett Steel, dated 13.03.2025. The measures shall be implemented in accordance with the approved details, and permanently retained and maintained in accordance with the approved details.

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).

- 31) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the thirty-two self-contained dwellinghouses (Use Class C3) and gym area shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where Council 2030 WHO aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO2) - 10ug/m-3, Particulate (PM10) -15 ug/m-3 and Particulate (PM2.5) - 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 intakes at rear roof level or on the rear elevations of each residential floor.
- b.Details and locations of ventilation extracts to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
- c.Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (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.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

- 32) Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 31 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.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

- 33) 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 Air Source Heat Pump (ASHP), Heat Battery Boiler, electric Boilers or alternative electrical only heating/cooling systems to be provided for space heating, hot water and cooling for the thirty-two self-contained dwellinghouses (Class C3) use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

- 34) Prior to occupation of the development hereby permitted, details (including manufacturer specification, location and type, installation/commissioning certificates and photographic confirmation) of the installed active electric vehicle charging points (minimum 22 kW) for all on-site car parking spaces and loading bays shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

- 35) Prior to the commencement of the demolition phase (excluding installation of hoarding around the perimeter of the site) of the development hereby permitted, details of Air Quality Emissions Control including Nitrogen Oxides (NOx), Particulates (PM10, PM2.5) emission control of Non-Road Mobile Machinery (NRMM), On Road Vehicles and fugitive dust emissions in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a.Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site.
- b.Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx 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 NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- c.Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 and Euro VI.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

- 36) Prior to the commencement of the construction phase (excluding installation of hoarding around the perimeter of the site) of the development hereby permitted, details of Air Quality Emissions Control including Nitrogen Oxides (NOx), Particulates (PM10, PM2.5) emission control of Non-Road Mobile Machinery (NRMM), On Road Vehicles and fugitive dust emissions in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site.
- b. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx 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 NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- c. Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 and Euro VI.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

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

To ensure a satisfactory external appearance, to ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, and to ensure the development's air pollution impacts are mitigated in accordance with Policies SI 1, D1 and D8 of the London Plan (2021), Policies DC1, DC4, DC8, CC10, CC12, T1, T6 and T7 of the Local Plan (2018)

and Key Principles of the Planning Guidance SPD (2018).

- 38) The development hereby permitted shall be occupied until the approved remediation method statement (Phase II Site Investigation Report, Ref:GWPR5602/SIR/April 2024, Issue V.1.04, dated April 2024, prepared by Ground and Water) approved under ref. 2024/00360/DET, 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).

- 39) 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).

- 40) Prior to occupation of the development hereby permitted details of safe, secure and accessible bicycle storage, shall be submitted to, and approved in writing by the Council. The cycle parking facilities should be in accordance with London Cycling Design Standards (LCDS), and shall comprise a mix of cycle parking including the provision of single tier sheffield stands and facilities for cargo bikes. Details of the stands should comprise design/manufacturers specifications/materials. The details shall also include the relationship between the bicycle storage and the neighbouring boundary walls. The bicycle storage facilities shall be implemented as approved prior to the occupation of the development, and shall thereafter be permanently maintained for the life of the development.

To ensure satisfactory provision for the bicycle and thereby promote sustainable and active modes of transport, in accordance with Policy T5 London Plan (2021), and Policy T3 of the Local Plan (2018), and to ensure that the storage does not result in an unacceptable sense of enclosure to the adjoining residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018) and Key Principle HS6 of the Planning Guidance Supplementary Planning Document (2018).

- 41) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage areas at ground floor level as indicated on the approved drawings. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy SI8 of the London Plan (2021), and Policy CC7 of the Local Plan (2018).

- 42) No part of the development hereby approved shall be used/occupied until provision has been made for car parking for disabled users in the form of 3no. Blue Badge-holder space as indicated on the approved drawings. Thereafter the provision for Blue Badge parking shall be permanently maintained in this form for the lifetime of the development.

To ensure satisfactory provision for car parking for disabled users of the development, in accordance with Policy T6 of the London Plan (2021), and Policies T4 and T5 of the Local Plan (2018).

- 43) The development hereby approved shall not be used or occupied until a Blue Badge Parking Management Plan has been submitted to and approved in writing by the Council. The details shall include the management and allocation of the approved 3 blue badge spaces; and controls and method of access. The development shall proceed in accordance with the details as approved and the details shall be maintained as such thereafter.

To ensure satisfactory provision for car parking for disabled users of the development, in accordance with Policy T6 of the London Plan (2021), and Policies T4 and T5 of the Local Plan (2018).

- 44) Prior to occupation of the of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of deliveries to avoid peak times, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

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

- 45) Prior to occupation of the of the development hereby permitted, a Waste Management Strategy (WMS) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of refuse/recycling collection; details of the waste collection pick up area (within 10m drag distance of the public highway); and location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the WMS hereby permitted shall thereafter operate in accordance with the approved details. The WMS shall be regularly monitored and reviewed and any subsequent modifications or alterations to the WMP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and that associated vehicle servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policies CC7 and T2 of the Local Plan (2018).

- 46) Prior to the commencement of relevant works, details of the new/relocated vehicular access gates leading from Brook Green shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved prior to the occupation of the development, and shall thereafter be permanently maintained for the life of the development.

To ensure that satisfactory provision is made for refuse storage and collection and that associated vehicle servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policies CC7 and T2 of the Local Plan (2018).

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

The use of the property as a house 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, T1, T3 and T4 of the Local Plan (2018).

- 48) The new pavilion extension to Building 5 shall not be used or occupied for purposes other than as a gym ancillary to the residential use hereby approved, and shall not be used by the members of the public outside of the approved development, or as an independent dwelling or for any business purposes.

The use of the gym outside of these parameters 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, HO3, HO4, HO5, HO8, HO11, CC13, T1, T3 and T4 of the Local Plan (2018).

- 49) The existing boundary wall facing Oxford Gate shall not be lowered, thereby maintaining a minimum height of 1.7m when taken from the adjacent ground level of the subject site.

To protect the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy, in accordance with Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 (ii) of the Planning Guidance Supplementary Planning (2018).

- 50) The total number of residential units (Class C3) hereby approved shall not exceed 32 units.

In granting this permission, the Council has had regard to the particular circumstances of the case. A change to the number of dwellings could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies DC1, HO1, HO3, HO4, HO5, HO6, HO11, T1, T2, T3, T4, T6, CC11 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1) Land Use: The loss of the employment use on the site has been justified in accordance with London Plan (2021) Policies E1 and E2 and Local Plan (2018) Policies E1 and E2. The proposed development would make a positive contribution towards the quantity of the borough's housing stock, including the provision of affordable housing, in line with the objectives of London Plan (2021) Policies H1, H4 and H5, and Local Plan (2018) Policies HO1 and HO3.
- 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 S4, the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, HO5, OS3 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 proposed extension and alterations are judged to be acceptable in visual terms. The proposals are considered to be of a high quality of design having regard to the special architectural and historic interest of the group of host buildings, themselves identified as locally listed, (buildings of merit). Furthermore, the proposals would not cause harm to the character and appearance of the Brook Green conservation area. The settings of nearby designated and non-designated heritage assets would be preserved. The proposal is considered acceptable having due regards to the provisions of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would accord with the NPPF (2024), London Plan (2021) Policies D3 and HC1, Local Plan (2018) Policies DC1, DC4, DC8 and DC11, and Section 66 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, enhancing biodiversity and UGF, which would be of benefit to the area and which complies with London Plan (2021) Policies G5 and 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. Measures would be secured by condition to minimise noise transmission, light pollution and loss of privacy, as well as disturbance during the building works. The proposed development therefore accords with London Plan (2021) Policy D14, Local Plan (2018) Policies DC1, DC4, HO11, TLC5, CC11, CC12 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, DC4 and HO6.

7) Highways and Transportation: The application is supported by several documents including; a Transport Statement, framework Travel Plan, and Demolition and 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. Subject to conditions satisfactory provision would be made for blue badge car parking, cycle parking and refuse storage. External impacts of the development would be controlled by conditions and a legal agreement related to construction logistics, servicing and deliveries, refuse collection, s278 highways works, and a travel plan. 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. The development would therefore not have a significant effect on flood risk or surface water run-off. In this respect the proposal is therefore in accordance with the NPPF (2024), London Plan (2021) Policies SI 12 and SI 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

9) Energy and Sustainability: An Energy and Sustainability Statement has 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, together with a carbon dioxide emission offset contribution secured by a legal agreement. 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 London Plan (2021) Policy SI 1, and Local Plan (2018) Policy 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, financial contributions towards off-site affordable housing, and Community Safety and Public Realm Improvements; Local Employment, Training and Skills Development Initiatives; a carbon dioxide emission offset financial contribution; monitoring fees in connection with Air Quality Dust Management Plans; Demolition and Construction Logistics Plans, a Residential Travel Plan, and a Delivery and Servicing 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: 19th February 2025
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:	Dated:
Transport For London - Land Use Planning Team	22.04.25
Transport For London - Road Network Development	03.06.25
Historic England London Region	08.04.25
Active Travel England	09.04.25
National Amenity Societies And Theatre Trusts	06.04.25
Health And Safety Executive Fire Safety	09.04.25

Neighbour Comments:

Letters from:	Dated:
23 Fitzgeorge Avenue London W14 0SY	19.04.25
6 Oxford Gate Brook Green London W6 7DA	20.04.25
9 Oxford Gate Brook Green London W6 7DA	02.05.25
33 Windsor Way London W14 0UA	13.04.25

1.0 SITE LOCATION AND DESCRIPTION, AND RELEVANT PLANNING HISTORY

SITE DESCRIPTION

- 1.1 The application site comprises a group of 5 locally listed Buildings of Merit (known as Buildings 1, 2, 3, 4 and 5) located off the northern side of Brook Green. The buildings, which range in height from 2 to 3 storeys, were originally a Victorian school but since the 1980's have been in office use (Class E) and are arranged in a linear fashion around a private parking courtyard, which is accessed via an archway underneath Building 1. All 5 buildings are currently vacant.
- 1.2 The surrounding area is predominantly residential. Immediately to the north of the site is Oxford Gate, a gated residential mews. To the east is Blythe House, the former Post Office Savings Bank Headquarters (1899-1903), now in use as a store for London museums (British Museum, Science Museum and V&A). To the south of Building 4 is Brook Green Family Centre and nursery on Brook Green, with residential properties on Windsor Way behind.
- 1.3 The site lies within the Brook Green Conservation Area, and a number of listed buildings are located within the immediate vicinity. There are four trees (2 x London Planes and 2 x Alder trees) within the site that are subject to a Tree Preservation Order (TPO).
- 1.4 The majority of the site is in the Environment Agency's Flood Zone 1 with part of the site in Flood Zone 2.
- 1.5 The site has a Public Transport Accessibility Level (PTAL) of 6a (Excellent).

RELEVANT PLANNING HISTORY

2019/03699/FUL: Extension to Block 5 at first and second floor level, creation of two single storey pavilions at Blocks 3 and 5, addition of louvered dormer roof projections to Blocks 2, 3 and 5, erection of external plant rooms, formation of a refuse enclosure, erection of a single storey security guard house/substation, formation of a roof terrace at second floor of Block 2; associated external alterations to Blocks 2, 3, 4 and 5, landscaping and car parking layout. Not implemented.

2019/00822/FUL: Erection of rear extensions to Blocks 2 and 3 at ground and first floor level, replacement of existing connection at ground floor between Blocks 2 and 3, and erection of rear extension to Block 4 at first floor level including the installation of a plant; associated external alterations. Not implemented.

2020/01849/FUL: Change of use from office to 33 residential units across Blocks 1-5; including partial demolition and extensions at ground/first floor to blocks 2/3, and at first floor in block 4. Partial demolition and alterations to block 5 and redevelopment of a 3-storey block; with associated bike storage, refuse storage, parking and landscaping and work to trees. Permission granted 16th September 2021 subject to conditions and a legal agreement.

The pre-commencement conditions in relation to this application have been discharged and the permission has been implemented on site. This planning application will be referred to as the "extant permission".

2023/03120/FUL - Change of use from office to 34 residential units across Blocks 1-5; including increased depth of front lightwells, mansard roof extension with roof terrace and extension to core, and rear extensions at first and second floor level to Block 1; partial demolition and side and rear extensions at ground and first floor level, formation of a roof terrace at second floor level, and alterations to existing fenestration including installation of new entrances at ground floor level to Block 2/3 and Block 3 Pavilion; extensions at first floor and roof level, and alterations to existing fenestration including installation of new entrances at ground floor level to Block 4; basement excavation within courtyard to provide a residents gym; partial demolition and alterations to Block 5 and redevelopment of a part single part 3-storey extension; single storey gatehouse building in front garden; external alterations; associated bike storage, refuse storage, parking, amenity space and landscaping. This application has not been determined.

2025/00439/NMAT - Non-material amendment granted 16th May 2025, to planning permission reference: 2020/01849/FUL dated 16th September 2021 to allow an amendment to the description to include: the omission of reference to the quantum of residential units; and the inclusion of works which were approved but not included in the description, namely the addition of a single storey gatehouse building in front garden, and alterations to existing fenestration.

The amended description reads:

"Change of use from office to residential across Blocks 1-5; including partial demolition and extensions at ground/first floor to blocks 2/3, and at first floor in block 4. Partial demolition and alterations to block 5 and redevelopment of a 3-storey block; with associated bike storage, refuse storage, parking and landscaping and work to trees; single storey gatehouse building in front garden; alterations to existing fenestration."

2.0 PROPOSAL

The current application seeks permission for a variation of condition 2 (approved plans) of planning permission ref: 2020/01849/FUL granted 16th September 2021, as amended under s96a application (ref. 2025/00439/NMAT) dated 16th May 2025, to allow for the following works:

- o reduction in number of residential units from 33 to 32, including alteration to size and mix of units
- o increase to width of existing lightwells to the front of Building 1
- o relocation of gym to Building 5
- o formation of new entrances along ground floor comprising of doors to duplex units from the main courtyard
- o removal of lean to and rear buildings of Buildings 2 and 3 and replace with new part 1, part 2 storey flat roof extensions
- o provision of ground floor amenity space adjacent to Oxford Gate with new doors to the rear of Buildings 2 and 3 to allow access to private amenity space,
- o alterations to landscaping including provision of new front gardens to courtyard units
- o relocation of bike and bin stores
- o relocation existing ramp to Building 1 and addition of soft landscaping
- o removal of consented glazed lift and replaced with a solid infill in between Buildings 2 and 3 to match existing facade

- o omission of sub-station from Building 6
- o changes to fenestration to match designs of the existing buildings
- o replacement of obscured glazing at first floor level of Building 4 with clear glazing.

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 140 surrounding properties.
- 3.2 To date a total 4 representations have been received comprising 1 in support and 3 in objection. A summary of the comments is provided below:

Objection:

- o Existing problem with pests/vermin
- o Impact to trees
- o Hours of construction should be controlled
- o Loss of privacy/overbearing impact to Windsor Way
- o The new extensions/alterations should be kept in line with other buildings in the area
- o New flat roofs should not be used as terraces (noise and disturbance and privacy concerns)
- o Noise and disturbance and light pollution from use of gym in building 5
- o Noise from use of new gardens facing Oxford Gate
- o Highway safety and amenity impacts caused by provision of on-street loading bay during construction phase.

Support:

- o Support the residential adaptation and re-use of this pleasant group of buildings that have stood empty for too long
- o Increase to available housing stock
- o The proposals make a positive contribution to the character of this part of the Brook Green Conservation Area.

- 3.3 The Hammersmith and Fulham Historical Society; Hammersmith Society; Hammersmith and Fulham Historic Buildings Group; National Amenity Societies and Theatre Trust; and Brook Green South Residents Association were also consulted on the planning application and have not made any comments.

+ Technical Consultations

- 3.4 Historic England (Development Management section) have responded to state as they did not impose conditions on the original consultation they do not consider that it is necessary to be notified under the relevant statutory provisions.
- 3.5 Historic England Greater London Archaeological Advisory Service (GLAAS) have responded to state they do not consider it is necessary to be notified of this application.

- 3.6 Metropolitan Police Crime Prevention Design Officer (DOCO) has responded to state as this is small amendments to the original planning application, at this stage their office do not have any further comments to make. Their original Police Security and Safety Statement from the original application still applies to any changes to this development.
- 3.7 The 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.
- 3.8 Active Travel England (ATE) have responded to state they have no comment to make as it does not meet the statutory thresholds for its consideration.
- 3.9 TfL have responded to state they have no objections.
- 3.10 The London Fire and Emergency Planning Authority; Thames Water; London Heliport; Thames Water; Environment Agency; London Parks and Gardens; and Civil Aviation Authority were consulted on the planning application and have not made any comments.

4.0 POLICY FRAMEWORK

- 4.1 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.
- 4.2 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).
- 4.3 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 (2024)

- 4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019, 2021, 2023 and more recently 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.
- 4.5 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

4.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

4.7 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 employment floorspace; 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 the Employment Floorspace/Provision of Residential Units

- 5.1.1 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.
- 5.1.2 The proposal would provide 32 residential flats (net reduction of 1 in comparison to the extant permission) and as such would still contribute to the delivery of additional residential accommodation as set out in the above policies.

- 5.1.3 London Plan Policies E1 and E2, and Local Plan Policies E1 and E2 seek to retain existing viable office floorspace, unless it can be demonstrated that there is no reasonable prospect of the site being used for business purposes.
- 5.1.4 While the loss of employment floorspace would typically require evidence of unsuccessful marketing, in this instance the principle of its replacement with residential use has already been established through the extant planning permission, which constitutes a material consideration. At the time of that approval, the loss was justified on the basis that the buildings were vacant and marketing efforts had demonstrated that the site was no longer viable for employment use, owing to both a lack of demand for office accommodation and the poor condition of the buildings. The site has remained vacant since.
- 5.1.5 Given that the extant permission has been implemented and there has been no change to the relevant policy framework since its determination that would warrant a different conclusion, it is considered that no objection should be raised to the proposed loss of employment use in the current application.

5.2 HOUSING SUPPLY

+ Density

- 5.2.1 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. 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.
- 5.2.2 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.
- 5.2.3 The proposed development (0.31 hectares) would result in a residential density of approximately 450 units per hectare. This reasonably low level of density is compatible with the lower density character of the immediate Brook Green area.

+ Housing Mix

- 5.2.4 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)'.

5.2.5 The extant permission comprises the following mix:

Studio x 1 (3%)
1 bed x 6 (18%)
2 bed x 15 (46%)
3 bed x 9 (27%)
4 bed x 2 (6%)

5.2.6 The current proposal comprises the following mix:

1 bed x 2 (6%)
2 bed x 16 (50%)
3 bed x 13 (41%)
4 bed x 1 (3%)

5.2.7 The proposal would provide a good mix of units, including 44% being family sized accommodation. The proposal would see an uplift of 3 family units compared to the extant permission. 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. Planning applications will not be required to provide viability information where they deliver 50% or more affordable housing on site which is consistent with the relevant tenure split outlined under Local Plan Policy HO5 above and meet all of the other relevant Local Plan policy requirements and obligations.

- 5.2.12 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.
- 5.2.13 Both the London Plan and Local Plan states a financial contribution to off-site provision will only be considered in exceptional circumstances.
- 5.2.14 The Extant Permission secured a payment in lieu of on-site affordable housing totalling £1,350,000 (excluding VAT), despite the viability exercise at the time concluding that no affordable housing could viably be provided. The payment in lieu has been received.
- 5.2.15 In line London Plan Policy H5 and Local Plan Policy HO3 a Financial Viability Assessment (FVA) Note has been submitted to address the changes proposed to the extant permission, in the context of up-to-date development values and costs, and to determine whether the proposals would result in an uplift to the payment in lieu.
- 5.2.16 The applicant's FVA demonstrates that the proposals would create a deficit against the site value benchmark and additional payment in lieu would therefore not be viable. The FVA has been rigorously reviewed by officers in collaboration with the Council's independent viability consultants, BPS. Following detailed negotiations—during which the extent of the deficit was challenged—the applicant has agreed to provide an additional financial contribution (£297,249) towards off-site affordable housing provision. This contribution will be secured through a legal agreement.
- 5.2.17 In this regard, the proposals would secure the delivery of off-site additional affordable housing, representing a significant public benefit. This is particularly valuable to the Council where, like most of London, there is a considerable ongoing need for new housing, especially affordable homes. On this basis, the proposal is judged to comply with the objectives of London Plan Policies H4, H5 and H6 and Local Plan Policies HO3 and HO5.

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 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 National standards.

- 5.3.3 The proposal builds upon the consented extant permission, however, as a result of a reduced overall unit count, a revised housing mix, and reconfigured internal layouts, the scheme delivers a marked enhancement in residential quality. In more detail, all proposed units continue to exceed the minimum internal space standards set out in the London Plan, however the number of dual-aspect units would increase by 8, resulting in a total of 31. In addition, internal daylight and sunlight provision has improved, with 69% of habitable rooms meeting or exceeding BRE daylight illuminance guidelines, compared to 63% previously, and while the BRE no longer recommends the APSH methodology for assessing sunlight in new dwellings, 97% of tested units would nonetheless meet the criteria under the current sunlight guidelines. Finally, the number of units benefiting from private amenity space would increase significantly through the provision of ground floor amenity space to the rear of Buildings 2 and 3.
- 5.3.4 As per the extant permission some units would continue to marginally fail to meet the minimum 2.5m standard floor to ceiling heights prescribed in the London Plan Policy D6 and SPD Key Principle HS2. However, given the generous size of the units, and the abovementioned improvements to outlook, internal sunlight/daylight levels and amenity space, together with the proposals relating to the conversion of existing buildings of merit, which are further limited in terms of their adaptability due to their heritage nature the modest shortfall is acceptable.
- 5.3.5 As per the extant permission, in order to prevent undue overlooking of the residential properties of Oxford Gate the new first floor windows within the rear extensions to Buildings 2 and 3 will be obscure glazed up to an internal height of 1.7m height. Although this will restrict the outlook of some of the bedrooms at first floor level (B2.02, B2.05; B2.06, B2.08, B2.09, B2.10 and B2.11), it is accepted that bedrooms have a lower expectation of outlook, and in this case the main habitable accommodation of these flats, as well as some of the secondary bedrooms, would have unobstructed views over the newly landscaped central courtyard.
- 5.3.6 Although not all units will benefit from private amenity space, as per the extant permission all of the residential units would have access to the newly landscaped communal central courtyard approximately 858sqm. The space would comprise a mix of hard and soft landscaping which would provide outdoor seating, as well as integrated children's playspace (in line with London Plan Policy S4 and Local Plan Policy OS3). While the courtyard is not exclusively designated as playspace, the focus is on providing doorstep play for under 5's which would be sensitively integrated into the courtyard in a multifunctional manner. The open space would be in the centre of the development, overlooked by the new units so that it would be a safe, welcoming space for everyone to use. Furthermore, Brook Green is within a short walking distance away which provides an alternative multi-functional area of amenity space. Given the constraints of the site plus and the availability of both on-site and off-site amenity space provisions, it is considered the proposal would provide a suitable residential environment for future occupiers. Final details of the landscaping and playspace, together with a maintenance plan, are to be secured by a condition.

- 5.3.7 In order to ensure suitable internal noise levels for future occupiers conditions are to be attached in respect to sound proofing between different room types/uses and from plant equipment. Subject to these conditions, the proposal would provide an acceptable living environment for occupiers in accordance with Local Plan Policies CC11 and CC13 and Key Principle NN3 of the Planning Guidance SPD.
- 5.3.8 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 SAEFTY

+ 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 this instance (9.4%) of the units would be built to M4(3) wheelchair accessible standard. The three fully accessible wheelchair units will all be 2b3p flats and will be located in Building 5 (B5.01; B5.03 and B5.05) at ground, first and second floor level. In terms of the remaining 90% accessible and adaptable units, the Design and Access Statement highlights there is currently a lack of Part M compliant level access and corridor widths internally and externally throughout due to the age of buildings. At present the plans show 24 (75%) units as achieving M4(2) compliance. It is stated the design team will use best endeavours to achieve M4(2) compliance, however further interrogation of the existing buildings is required after a strip-out of the interiors has been undertaken. Given the proposals relate to the conversion of existing buildings, which are further limited in terms of their adaptability due to their heritage nature, it is acknowledged these factors could impact upon the scheme achieving 90% of the remaining units meeting M4(2) status. However, a full accessibility strategy, to demonstrate the feasibility of the units being be capable of complying with Building Regulations M4(2) and M4(3) will be secured by a condition. Separately, the site also allows for 3 x blue badge parking spaces, which will be secured by a condition, together with the submission of a management plan including details of the allocation and enforcement of the blue badge parking spaces, and the provision of electric vehicle charging points for each space in the interests of air quality.

+ Secure by Design

- 5.4.3 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 revised proposal will incorporate measures for crime prevention will be secured by a condition.

+ Fire Safety

- 5.4.4 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).
- 5.4.5 As required a Fire Safety Statement, prepared by an independent and suitably qualified third party, has been submitted in support of the proposal. The buildings do not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) and the HSE have confirmed their consultation is 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

+ Policy Framework

- 5.5.1 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.2 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 Local Plan Policy DC1 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.

5.5.5 Local Plan Policy DC4 states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations and extensions the council will consider the impact on the existing building and its surroundings and consider the following:

- a) Scale, form, height and mass;
- b) Proportion;
- c) Vertical and horizontal emphasis;
- d) Relationship of solid to void;
- e) Materials;
- f) Relationship to existing building, spaces between buildings and gardens;
- g) Good neighbourliness; and
- h) The principles of accessible and inclusive design.'

5.5.6 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'. Local Plan Policy DC11 relates to basement excavation.

5.5.7 SPD Key Principles AH1 and AH2 relate to the protection of heritage assets, and CAG3 relates to development in Conservation Areas.

+ Site context

5.5.8 The site is occupied by a group of Victorian buildings that were built to house a school but were more recently used as offices. The buildings are locally listed as Buildings of Merit and lie within the Brook Green Conservation Area. The conservation area is centred on Brook Green, a linear green space that was created by covering over a former brook. The market gardens either side were extensively built up from the 1850s, and the buildings along the Green are, until today, a mixture of historic residential terraces and public buildings of various scales and styles that reflect the importance of the location to the wider community. Despite their variety, the buildings facing the Green create a strong and cohesive urban edge to the Green and form the visually most prominent and characteristic part of the historic townscape within the conservation area.

5.5.9 The Brook Green facing elevation of the westernmost building on the site (Building 1) is set back behind a front garden and driveway into the site. However, due to its form and scale, the building is a prominent feature in the views from and along the green that is further emphasised by the church tower of Holy Trinity Church directly opposite in Brook Green.

5.5.10 The existing buildings have undergone many external and internal changes to enable their conversion into offices, but overall, the external appearance is consistent with the original character of the development. The internal appearance of the spaces is much altered and mostly modern. Common architectural features are the use of yellow stock brick with red brick windows surrounds, string courses, arches, lintels and quoins. The hierarchy of the openings in the elevations emphasises the first floor as the grandest with the largest and most embellished window surrounds while the second floor windows are narrower and extend into roof level with prominent gables.

+ Design of proposal

- 5.5.11 The proposed external alterations would predominantly replicate the works already approved under the extant permission. The visual impact of these components has previously been assessed and deemed acceptable. As these elements remain unchanged in the present application, their acceptability continues to stand. This section will instead focus on the new elements only, i.e the increased width of the existing front lightwells to Building 1; the additional massing to rear of Buildings 2 and 3; the provision of ground floor amenity space adjacent to Oxford Gate with new doors to the rear of Buildings 2 and 3 to allow access to private amenity space; the formation of new entrances and private front gardens to the courtyard facing units; and the replacement of the approved glazed lift with a solid infill in between Buildings 2 and 3 to match existing façade.
- 5.5.12 As before Building 1 will be converted to 6 residential units. The previously approved gym at basement level is to be relocated to Building 5 Pavilion, allowing the approved ground floor flats to become duplex flats with bedroom accommodation at basement level. In order to allow for additional light to the bedrooms, there will be a modest increase to the depth of the existing front lightwells.
- 5.5.13 Behind Building 1, Buildings 2 and 3 will be converted to 17 residential units across ground to second floor level. As before an existing single storey, non-original extension to the rear of Building 2 would be replaced by a part single storey part two storey extension. Under the current application, it is proposed to extend the approved extension along the rear of Building 3 to replace another non-original extension. The proposed addition would match the scale and detailed design of the approved extension creating a seamless facade. To the front the previously approved glazed lift extension between Buildings 2 and 3 will be replaced by a solid brick infill to match the existing façade. Finally, there would be modest changes to the fenestration to the front and rear elevations to provide private front entrances and access to the new rear garden areas.
- 5.5.14 The smallest building, Building 4 will be converted to 3 residential units across ground and first floor level. Similar to the opposing Buildings 2 and 3, there would be modest changes to the fenestration to the front elevations to provide private front entrances.

5.5.15 Finally, Buildings 5 will be converted to 6 residential units across ground, first and second floor level. The approved pavilion extension, previously a residential unit, will now accommodate the gym relocated from the basement of building 1.

+ Heritage

5.5.16 Local Planning Authorities are required to identify and assess the significance of any heritage asset affected by a proposal, including by development affecting the setting of a heritage asset (para 208 of the NPPF). This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (para 208 of the NPPF).

5.5.17 The heritage assets directly affected by the proposals are the Buildings of Merit on the site and the Brook Green Conservation Area. The following heritage assets within the wider setting of the site are also potentially affected:

- The grade II listed Blythe House and its ancillary buildings that are partially listed at Grade II and partially Buildings of Merit
- The Church of Holy Trinity on the south side of Brook Green, listed at Grade II*
- Two K2 telephone kiosks in Brook Green, listed at Grade II
- The historic terraces in Brook Green that are designated as Buildings of Merit.

5.5.18 The Conservation Area, in particular the Brook Green area itself, has been correctly identified by the applicant's heritage assessment as of high aesthetic, historic and group values and with some evidential and communal values. The listed and locally listed buildings facing the green play an important role in this significance. With the exception of the Brook Green facing elevation of Building 1, none of the other buildings are readily visible from the public realm and therefore the developments would not result in any harm to the fundamental character, appearance and significance of the Conservation Area. However, the composition of Buildings 1-5, consisting of Building 1 addressing Brook Green, and Buildings 2-5 enclosing a courtyard at the rear accessed through an underpass in Building 1 is of high group value and therefore considered to be of high significance with regard to the special interest of the Buildings of Merit and the character and appearance of the conservation area.

5.5.19 The significance of the site buildings is derived from their historic Victorian features that convey the original public character of the buildings which is characteristic for the historic townscape character of Brook Green. However, the modern interior and some modern external alterations do not reflect the original character of the buildings and therefore the aesthetic and historic values can overall be assessed as medium, with the frontage and Brook Green facing elevations being of high aesthetic value.

+ Assessment of harm

5.5.20 The Council is required to undertake an assessment of the impact of the submitted proposals on the significance of the heritage assets.

- 5.5.21 Section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:
'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 5.5.22 Section 72 of the above Act states in relation to Conservation Area 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.'
- 5.5.23 Most of the proposed external and internal alterations would replicate works already approved under the earlier, extant planning permission. The new elements of the proposals would have limited impacts when considered against the extant consent, and would allow for the character and appearance of the group of locally listed buildings to be retained and sympathetically modified. As such proposals would not result in any harmful townscape impacts.
- 5.5.24 In view of the above, it is not considered the proposal would detract from the special architectural interest and character of the group of host buildings, neither would the proposals result in any harm to the character, significance or setting of the Brook Green Conservation Area, or upon the setting of other nearby heritage assets. As such, the proposals are considered acceptable from a heritage perspective.

+ Conclusion

- 5.5.25 Overall, subject to conditions, the proposed works, due to their design, scale and situation, would not have any harmful impacts upon the setting of the above identified heritage assets. The development would preserve the character and appearance of the Conservation area and the special architectural or historic interest of the Buildings of Merit, and the setting of adjacent designated/non-designated heritage assets.
- 5.5.26 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.
- 5.5.27 The proposed development is also considered acceptable in accordance with the NPPF, Policies DC3 and HC1 of the London Plan and Policies DC1, DC4, DC8 and DC11 of the Local Plan and Key Principles AH1, AH2 and CAG3 of the Planning Guidance SPD.

Landscaping:

5.5.28 It is proposed to completely re-landscape the internal courtyard of the site to create a more attractive environment for future residents, as well as improve the appearance of the site and the setting of the buildings of merit. This will involve the removal of the majority of the car parking spaces and hard landscaping that currently exists. As per the extant permission, the improved new landscaped courtyard will include 3 accessible parking spaces (in accordance with the London Plan requirements), cycle parking and refuse storage facilities as well as large areas of green space and new planting with the aim of creating a tranquil and enjoyable space. The submitted design and access statement includes some imagery and an indicative layout of how this central courtyard area will look. Final details will be secured by a condition to maximise the level of planting, and to ensure the landscaping provides more meaningful spaces for residents to enjoy and engage with. On this basis the proposal is also judged to comply with the above policies.

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 site is bounded by residential properties to the north and south. Oxford Gate, to the north, is a gated mews development off Brook Green. It comprises a row of terrace houses which front onto a road which separates the houses from the northern boundary wall with the application site. Windsor Way, to the south, is also a gated development, with staggered residential properties which have gardens that adjoin the site to the south.

5.6.4 The proposed external alterations would predominantly replicate the works already approved under the extant permission. The impact of these components on residential amenity has previously been assessed and deemed acceptable. As these elements remain unchanged in the present application, their acceptability continues to stand. This section will focus on the new elements only.

5.6.5 In terms of residential amenity this includes: the impact to Oxford Gate properties as a result of the additional massing and the provision of private amenity space to the rear of Buildings 2 and 3; and the impact to Windsor Way properties as a result of the replacement of obscured glazing with clear glazing at first floor level to Building 4.

- 5.6.6 The increased width of the existing front lightwells to Building 1, the formation of new ground floor entrances from the main courtyard to Buildings 2, 3, and 4, and the replacement of the glazed lift with a solid infill between Buildings 2 and 3, by virtue of their location, scale and design, are not considered to result in any adverse impact on the amenity of neighbouring properties.

+ Outlook:

- 5.6.7 The proposal seeks to extend the approved rear extension to Building 2 eastwards along the rear elevation of Building 3, replacing the previously consented single-storey element with a part single-storey, part two-storey extension. Concerns have been raised by residents of Oxford Gate regarding the increased bulk and its potential impact on outlook and sense of enclosure.
- 5.6.8 It is acknowledged the properties in Oxford Gate would have views of the new extension. However, consistent with the extant permission the extension would align with the massing and rear building line of the existing two-storey addition to the western part of Building 2. The new extension to the rear of Building 3 would also continue the building line of the approved extension to Building 2, and would be located towards the eastern end of the buildings where the separation distance between the subject site and Oxford Gate is at its widest. It would also be viewed in the context of the remaining second floor and roofscape of the existing building. In this regard, it is not considered the proposal would reduce the outlook or sense of openness to the opposing residential properties in Oxford Gate to an unacceptable level.
- 5.6.9 Separately, although detailed plans have not been provided it is indicated some of the refuse and cycle stores will be located towards the rear of the site, adjacent to the rear gardens of the properties in Windsor Way. It is suggested the cycle storage would comprise of a 2 tier system within covered cycle stores. Although the boundary walls in this location would provide an element of screening, final details will be secured by a condition.

+ Privacy:

- 5.6.10 As per the extant permission, the windows of the new two storey rear extension to Building 3 would infringe the minimum separation distance of 18 metres (SPD Key Principle HS8) from the opposing windows of properties in Oxford Mews. The proposed windows at first floor level would be positioned closer than the existing windows and, in line with the extant permission, it is necessary to ensure that appropriate measures are in place to safeguard privacy. Accordingly, a condition is recommended requiring these windows to be fitted with obscure glazing and fixed shut up to a height of 1.7 metres above finished floor level. The new windows at ground floor level would be no closer than the existing windows at this level and, as such, are not considered to require additional mitigation.

- 5.6.11 In contrast to the extant permission, it proposed to utilise the area between the rear elevations of Buildings 2 and 3 and the boundary wall with Oxford Gate to create small private gardens for the new residential properties. Residents of Oxford Gate have expressed concern that the use of these areas will create the opportunity for overlooking. It is not considered the use of the spaces, due to the modest size, would exacerbate levels existing levels of overlooking at ground floor level to such a degree that would be deemed to be harmful. Nonetheless, plans demonstrate that the existing wall would form an adequate privacy screen of at least 1.7m high as measured from the ground level of the subject site. A condition will ensure the existing boundary wall is not lowered in height.
- 5.6.12 In contrast to the extant permission it is proposed to replace the obscured glazing to the windows within the already approved first floor extension to Building 4 with clear glazing. Plans have been provided to demonstrate the windows at this level would ensure compliance with the 18-metre minimum separation distance, as measured by an arc of 60 degrees taken from the centre of the proposed new window, (SPD Key Principle HS8) from the properties in Windsor Way. In this regard the use of clear glazing would not result in undue loss of privacy.
- 5.6.13 The roof terraces to Buildings 2 and 5 were approved under the extant permission. Details of the 1.7 metre high obscure glazed privacy screen to the north elevation of the terrace to Building 2 will remain secured by condition. There will be no additional amenity space provided to the upper floors of any of the Buildings as a result of this application.

+ Daylight/Sunlight

- 5.6.14 The applicant's Daylight and Sunlight Report, prepared in accordance with BRE guidelines, assesses the potential impacts arising from the additional massing proposed under the current application—specifically the part single-storey, part two-storey rear extension to Building 3
- 5.6.15 The assessment results show there would be no noticeable change to the daylight and sunlight levels to neighbouring properties beyond what has already been considered under the extant permission.
- 5.6.16 Overall, it is considered that the development would not have an unacceptable effect on the daylight and sunlight amenity to the neighbouring properties in accordance with London Plan Policies DC1, DC4 and HO11.

+ Environmental Nuisance

- 5.6.17 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.

- 5.6.18 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. Local Plan Policy CC12 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.6.19 As per the extant permission, conditions relating to enhanced sound insulation, plant noise levels and plant anti-vibration measures, as well as details of external lighting will be attached.
- 5.6.20 The proposed introduction of private amenity space to the rear of Buildings 2 and 3 is considered acceptable, given the modest scale of these areas, which would naturally restrict the number of users at any one time. This limitation is deemed sufficient to mitigate the risk of neighbouring occupiers being exposed to undue noise disturbance arising from their use. As mentioned earlier, the roof terraces to Buildings 2 and 5 were approved under the extant permission.

+ Building Works

- 5.6.21 In accordance with Key Principle NN7, the application is supported by a Demolition Management Plan and Construction Management Plan. This has been reviewed by Environmental Protection Officers and is deemed to be acceptable, and is accordingly secured by a condition.

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), Draft Travel Plan and outline Demolition and Construction Logistics Plan have been prepared to support the planning application.
- 5.7.8 The site has a PTAL of 6a - suggesting that it has excellent access to public transport. The site is situated within walking distance of three stations (Barons Court Underground station, Kensington Olympia station and Hammersmith stations) and a number of bus stops, the closest being located on the Brook Green / Hammersmith Road junction approximately 200m from the site.

+ Trip generation

- 5.7.9 Given the reduction in unit numbers there would be no additional impact in terms of trip generation. As per the extant permission, the proposed development is likely to result in a significant reduction in vehicular movement compared to the pre-existing office use as a result of the reduced off-street car parking within the site (25 spaces to 3). Vehicle movements in terms of servicing and deliveries, refuse collection, and construction traffic is considered below.

+ Car Parking

- 5.7.10 The application site has a Public Transport Accessibility Level (PTAL) of 6a. Local Plan Policy T4 and Key Principle TR3 of the Planning Guidance SPD sets out vehicle parking standards and states that the council will require car parking permit free measures on all new developments, particularly those in Public Transport Accessibility Level (PTAL) areas of 3 and above, unless evidence is provided to show that there is a significant lack of public transport available. London Plan Policy T6 specifies that car-free development should be the starting point for all development proposals in places that are well connected by public transport. London Plan Policy T6.1 requires the provision of blue badge parking for 3% of the total number of dwellings and also requires proposals to demonstrate as part of a Parking Design and Management Plan, how an additional 7% of dwellings could be provided if required.

- 5.7.11 As per the extant permission, it is proposed to completely re-landscape the internal courtyard thereby removing the majority of the 25 car parking spaces and hard landscaping that currently exists. The proposed development would remain car-free, except for the provision of 3 off-street blue badge parking spaces, which is in accordance with the London Plan parking standards.
- 5.7.12 A condition will secure the implementation of the 3 blue badge spaces, and their retention for the lifetime of the development. In line with London Plan Policy T6.1 a Car Parking Management Plan including details of how the 3 off-street blue badge spaces are allocated, how access to the off-street spaces is controlled, and the provision of electric vehicle charging points for each space will be secured by conditions. Prohibition of future residents to obtain parking permits will remain to be secured through section 16 of the Greater London (General Powers) Act 1974.

+ Cycle parking

- 5.7.13 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).
- 5.7.14 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.
- 5.7.15 The proposals include provision for up to 68 cycle parking spaces for the new dwellings, including 2 short terms spaces. Although detailed plans have not been provided it is indicated the cycle stores would comprise of a 2 tier system within covered cycle stores to the front and rear of the site. The cycle parking should include a mix of cycle parking spaces, including provision for single tier Sheffield stands and larger or adaptive cycles. Whilst the quantum is in line with the London Plan minimum quantitative standard, final details of the proposed cycle parking facilities and details of how the functionality considers and responds to all users will be secured by a condition to ensure the final provision meets the quality standards set out in the London Plan and London Cycle Design Standards (LCDS).

+ Servicing and Deliveries

- 5.7.16 The TS includes a draft Delivery and Servicing Plan (DSP) which states delivery and servicing activity will continue to take place in line with existing arrangements at the site. It is estimated the development is likely to generate approximately 5 deliveries. Designated refuse storage areas will be provided to the front and rear of the site and will be collected as per the existing arrangements from Brook Green. A final DSP will be secured by a condition,

together with associated monitoring fees (secured by a legal agreement). Further details of the Waste Management Strategy at the site, including details of the waste collection pick up area (within 10m drag distance of the public highway) will also be secured by a condition.

+ Travel Plan

- 5.7.17 A framework travel plan supports the application which includes mode share targets, and initiatives and measures to encourage sustainable travel at the site. To promote sustainable travel to and from the site, a full Residential Travel Plan is secured under a legal agreement, together with associated monitoring fees. The Residential Travel Plan should include measures such as car club membership.

+ Highway works

- 5.7.18 The applicant is required to set back the existing gate to prevent waiting vehicles from overhanging the path of pedestrians crossing the footways. Further details of the new gates will be secured by planning condition. The applicant will also be required to enter into a S278 highways agreement to secure improvements to the highway along the site frontage on Brook Green including: setting back of the existing gate; improvements to the footway on the site frontage, and vehicular access to the site including the installation of tactile paving; the provision of a E/W crossing facilities (including dropped kerbs and tactile paving) to improve pedestrian connectivity between the east and west side of Brook Green; and upgrading the existing waiting restrictions on the site frontage.

+ Building Works

- 5.7.19 To manage the construction phase of the development and the associated impacts of construction traffic accessing the site, an outline Demolition and Construction Logistics Plan (DLP/CLP) was submitted with the application. A final DLP/CLP, including restrictions on vehicle movements during school arrival /departure times, 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.
- 5.7.20 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 Most of the site is in Flood Zone 1 which is low risk to flooding from the River Thames, although the front part of the site is in Flood Zone 2. The application is supported by an addendum Flood Risk Assessment and SuDS Report (combined).
- 5.8.5 Management of surface water has again been considered in the FRA. SuDS included for the site include permeable surfaces such as landscaping areas, permeable paving, as well as green roofs. The agreed discharge rate from the site for surface water remains unchanged as a result of the proposed alterations. The implementation of the flood risk mitigation measures and sustainable drainage measures will be secured by a condition. 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

- 5.7.1 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.
- 5.7.2 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.
- 5.7.3 Local Plan Policy CC1 requires major development applications to include an Energy Assessment which demonstrates how the scheme will 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. The Policy requires all major development applications to provide this information in a Sustainability Statement (or equivalent assessment such as BREEAM). These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.

- 5.9.4 As required, a revised Energy and Sustainability Statement supports the application to take into account the proposed alterations to the scheme. The alterations do not impact the achievement of the London Plan CO2 reduction target which is still met by the proposals - providing just under 37% improvement in CO2 emissions compared to the target of 35%. The Statement confirms a range of energy efficiency measures have been included in the design to help reduce energy demand and associated CO2 emissions. For example, higher levels of insulation will be included than the minimum Building Regulation requirements, low energy use lighting will be installed, energy efficient mechanical systems such as ventilation with heat recovery will be used and a communal Heat Pump system will be used to provide heating. Where possible, existing windows are to be replaced with double glazing or supplemented with secondary glazing. Under details submitted in respect to condition 30 of the extant permission (ref.2024/00954/DET), it was demonstrated the feasibility of PV panels was discounted due to increased structural loads on the existing roofs, orientation and overshadowing, visual impact on neighbours and residents, impact on the host heritage asset, and impact on the green roof areas.
- 5.9.5 In order to achieve the required net zero carbon target, a payment in lieu will be required, which will be secured via a legal agreement. The implementation of the carbon reduction measures as outlined in the Energy Strategy will be secured by a condition.
- 5.9.6 In terms of sustainability, in addition to the abovementioned carbon reduction measures, water efficiency measures are proposed to limit water use to 105 litres per day per person for the residential units is planned, waste minimisation measures and recycling facilities will be incorporated to reduce waste generation, the use of sustainable construction materials has been considered, and, as discussed in the ecology and biodiversity section, landscaping areas will be included to provide higher levels of urban greening and biodiversity improvements. The Statement also includes information on promoting sustainable transport, noise and air quality issues etc which are supplemented by stand-alone assessments, and which have been considered by other specialist officers and commented on under the relevant sections of this report.
- 5.9.7 Subject to a condition securing the implementation of the measures outlined in the Energy and Sustainability Statement and payment in lieu recommended above, no objection would be raised under London Plan Policies SI 2 and SI 4 or Local Plan Policies CC1 and CC2 on energy and sustainability grounds.

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.
- 5.10.3 The whole borough is designated as an Air Quality Management Area (AQMA) and the site is within an area of existing poor air quality due to the road traffic emissions Brook Green and Hammersmith Road (A315). This location is in the 97th national percentile of the most polluted UK addresses. The development proposal will introduce new residential receptors into an area of existing poor air quality.
- 5.10.4 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 and the councils Air Quality Action Plan 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 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. Conditions 30-42 (preliminary risk assessment report; site investigation scheme; quantitative risk assessment

report; and remediation method statement) of the parent application have been discharged (ref. 2023/02421/DET and 2024/00360/DET) in respect to land contamination. On this basis conditions relating to verification report and onward long-term monitoring will remain secured by a conditions.

- 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 G5 states that major development proposals should 'contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage'. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments, based on Urban Greening Factors set out in Table 8.2 of the London Plan. Where Local Plans do not have UGF scores, the London Plan UGF identifies scores of 0.4 for predominately residential developments and 0.3 for predominately commercial developments should be applied.
- 5.12.2 London Policy G7 states that existing trees of quality should be retained wherever possible or replaced where necessary. New trees are generally expected in new development, particularly large-canopied species.
- 5.12.3 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.
- 5.12.4 As stated earlier, it is proposed to completely re-landscape the internal courtyard of the site to create a more attractive environment for future residents, as well as improve the appearance of the site and the setting of the buildings of merit. This will involve the removal of the majority of the car parking spaces and hard landscaping that currently exists.
- 5.12.5 The submitted Design and Access Statement includes a section on landscape design which advises that an Urban Greening Factor (UGF) score of 0.351 can be achieved, via a combination of green roofs, tree planting, green walls and planting. This falls slightly short of the 0.4 target set by the London Plan. The applicant has agreed to a condition to secure final details with the aim of achieving a UGF score of 0.4. Overall, the proposals will provide a significant contribution to the overall greening of the site, in contrast to the predominantly hardscaping of the existing site.
- 5.12.6 There are a number of trees within the site, 4 of which are protected by a Tree Preservation Order (TPO) (2 x London Planes and 2 x Alder trees). An Arboricultural Assessment, Method Statement and Tree Protection Plan prepared by Barrell Tree Consultancy has been submitted with the application.

- 5.12.7 The Council's Arboricultural Officer has considered the supporting information and advises additional information is required relating to the specification of works to the remaining trees within and adjacent to the site which are required in order to implement the proposed development. Accordingly, an updated Arboricultural Impact Assessment and Tree Protection Plan will be secured by a condition. The condition will also ensure tree protection measures are applied to any neighbouring trees whose theoretical Root Protection Areas extend into the site, and that under no circumstances are trees to be removed from outside of the site.
- 5.12.8 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 to which this s73 application relates predates current legislation, and is therefore exempt from BNG.
- 5.12.9 In summary, subject to the inclusion of conditions officers consider that the proposed development accords with Policies G5 and 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, as well as a financial contribution to support delivery of Upstream London, the Council's Industrial Strategy for inclusive economic growth.

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. The Mayor's CIL of £48,158.14 has been paid under the extant permission.

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. The Council's CIL of £155,587.85 has been paid under the extant permission.

+ S106 Heads of Terms

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.

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) Affordable Housing - financial contribution of £297,249 towards affordable housing off-site (excluding the financial contribution already paid under the extant permission)

- 2) Community Safety and Public Realm Improvements - financial contribution of £433,000
- 3) Employment and Skills/ Local Procurement comprising:
 - a) A financial contribution of £64,125 (£57,750 E&S + £6,375 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:
 - a. 8.5 apprenticeships lasting at least 12 months
 - b. 4 paid work experience placements lasting at least 6 months
 - c. 4 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 cost
 - d) A commitment to sign up to the Council's Upstream Pathway Bond, a broad menu of opportunities to help businesses play a meaningful role in supporting the local community in which they operate - and to encouraging end-users of the development to do so.
 - e) None of these contributions are double counted with any social value contributions committed by a procured developer as part of the procurement process
 - f) The developer reports evidence to the Council of any of these outputs delivered on a quarterly basis.
- 4) Energy and Sustainability - Payment of the Carbon Offset Payment in Lieu (£55,626) to offset CO2 emissions (calculated in accordance with the Council's Local Carbon Pricing Mechanism) - subject to review dependent upon the provision of an updated energy statement (secured by condition).
- 5) Air Quality - contribution of £5,000 per year until completion of construction towards monitoring of Air Quality Dust Management Plan (secured by condition).
- 6) Demolition and Construction Logistics Plans - contribution of £3,000 per year until completion of construction towards monitoring of DLP/CLP (secured by condition).
- 7) Car Permit Free - To prohibit any occupiers of the 34 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
- 8) Residents Travel Plan - submission and implementation; and a contribution of £3,000 on first submission and then on the anniversary of submission at yr 1, 3 and 5 towards Travel Plan monitoring.
- 9) Delivery and Servicing Plan (DSP) - contribution of £3,000 on first submission and then on the anniversary of submission at yr 1, 3 and 5 towards monitoring of the DSP and associated delivery/servicing activities at the site (secured by condition).

- 10) S278 works include the following indicative works along the site frontage on Brook Green:
 - o set back of existing gate;
 - o improvements to the footway on the site frontage, and vehicular access to the site including the installation of tactile paving;
 - o the provision of a E/W crossing facilities (including dropped kerbs and tactile paving) to improve pedestrian connectivity between the east and west side of Brook Green;
 - o and upgrading the existing waiting restrictions on the site frontage
- 11) Prior to Occupation, to have entered into a Section 278 agreement to deliver the agreed Highway Works necessitated by this Development, at the Developer's cost.
- 12) Not to Occupy the Development until the agreed Highways Works, forming the S278 Agreement have been implemented and all Council costs have been met.
- 13) 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, and Local Plan policies as well as guidance.
- 7.3 In summary, the loss of the employment floorspace has been justified. The proposed development would continue to contribute towards the quantity of the borough's housing stock, including the provision of affordable housing. The proposed extensions and alterations are acceptable in visual terms. The proposals are considered to be of a high quality of design having regard to the special architectural and historic interest of the Buildings of Merit and to the character and appearance of the conservation area. The settings of nearby designated/non-designated heritage assets would be preserved. 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.