

Reg. No:
2025/03297/VAR

Case Officer:
Ronny Ferley

Date valid:
15.01.2026

Conservation Area:
Moore Park CA - No.30

Committee Date:
10.03.2026

Applicant:
Reserve Property Holdings Ltd
C/O Agent

Description:
Variation of condition 2 (approved drawings) and condition 20 (flood risk assessment) of planning permission ref: 2022/03682/FUL granted 1st May 2024 for the 'The retrospective demolition of existing buildings and the erection of a four-storey plus basement building for use as 50no. apart-hotel complex (Use Class C1)'. Amendments to the approved drawings to increase the size of the approved basement by creating a double storey basement extension and minor alterations to amend the elevational/fenestration treatment and footprint of the building (part retrospective).

Application type:
Section 73 Minor-Material Amendment Application

Officer Recommendation:

- (1) That the Committee resolve that the Director of Planning and Property be authorised to grant planning permission 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

1) Amended Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the original planning permission Ref: 2022/03682/FUL dated 1st May 2024.

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

2) Approved Plans

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

6318_03_00_120 Rev 1;

6318_03_01_121 Rev 1;

6318_03_02_122 Rev 1;

6318_03_03_123 Rev 1;

6318_03_RF_124 Rev 1;

6318_03_B2_125 Rev 1;

6318_03_B2_126 Rev 1;

6318_03_223 Rev 1;

6318_03_224 Rev 1;

6318_03_225 Rev 1;

6318_03_320 Rev 1;

6318_03_321 Rev 1;

6318_03_501 Rev 1;

6318_03_502 Rev 1;

6318_03_503 Rev 1;

6318_03_504 Rev 1 (all Received 25 November 2025);

Flood Risk Assessment (Received 25 November 2025);

Addendum to Flood Risk Assessment (Received 19 February 2026);

Updated Energy and Sustainability Statement (Received 27 February 2026).

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, DC2 and DC8 of the Local Plan (2018).

3) Temporary Fencing

The development hereby permitted shall not commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and 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 advertisement hoardings.

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

Details approved under application Ref No. 2024/01083/DET.

4) Construction Logistics Plan

Notwithstanding the submitted details, prior to commencement of the development (save for works of site clearance and demolition of existing building) hereby approved, a final Construction Logistics Plan (CLP) shall have been submitted to and approved in writing by the Local Planning Authority.

The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points and; membership of the Considerate Contractors Scheme. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

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

5) Construction Management Plan

Notwithstanding the submitted details, prior to commencement of the development hereby approved (save for works of site clearance and demolition of existing buildings)

a final Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The details shall also include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control. Approved details for each relevant phase, or part thereof shall be implemented throughout the project period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the amenities of local residents and the area generally, in accordance with Policy T7 of the London Plan (2021), Policies DC1, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

6) Delivery and Servicing Plan

The Delivery and Servicing Plan (DSP) hereby approved shall be implemented prior to occupation and 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 to ensure that the amenity of occupiers of the surrounding premises and the development is not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy T4 of the London Plan (2021) and Policies T2, T4, T5, CC11 and CC13 of the Local Plan (2018).

7) Materials

Details of the proposed elevational finishes shall be submitted to and approved by the Council in writing within three months of the permission hereby granted. This should include (save for works of site clearance and demolition of existing buildings) particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of colour, composition and texture of the brick and

painted render, the colour, composition and texture of any metal and stone work; details of all surface windows; roof surfaces; roof top plant and general plant screening; opening and glazing styles and all external hard surfaces including paving.

A sample panel showing the external materials as appropriate shall also be erected onsite for the Council's inspection prior to commencement of the works. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy D4 of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

8) 1:20 Detailed Drawings

Details of the proposed elevational finishes shall be submitted to and approved by the Council in writing within three months of the permission hereby granted. These details shall include in plan, section and elevation (at a scale of not less than 1:20) of the following matters, and no part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay and junctions of the building with No. 430 Fulham Road
- b) details of the roof, to include the parapet, mansard, plant screen and all excrescences. All plant must be contained within the plant room and not project above the mesh screen.

To ensure a satisfactory external appearance and to prevent harm to the street scene, to preserve the character and appearance of the conservation area, and the setting and special architectural and historic interest of the adjacent locally listed buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

9) External Artificial Lighting

Prior to commencement of the development, 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 Light Pollution 2011'.

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 CC11 and CC13 of the Local Plan (2018).

Details approved under application Ref: 2024/01081/DET.

10) Plumbing/Rainwater Goods

No plumbing or pipes, other than rainwater pipes, shall be fixed externally on the front (Fulham Road) elevation of the building hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

11) Rooftop Water Tanks/Plant

No water tanks, water tank enclosures or other structures (excluding solar panels and air source heat pumps) shall be erected upon the roofs of the extensions hereby permitted.

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

12) Aerials

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 part of the development hereby permitted, without having first been submitted to and approved in writing by the council.

The development shall only be carried out in accordance with the details hereby approved.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

13) No Additional Air Conditioning Equipment

No alterations shall be carried out to the external appearance of the buildings, 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 DC1, DC2, DC8, CC11 and CC13 of the Local Plan (2018).

14) No Adverts

No advertisements shall be displayed on the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with DC1, DC2, DC8 and DC9 of the Local Plan (2018), and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies CC12 and CC13 of the Local Plan (2018).

15) Landscaping Details

The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs.

The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

16) Replacement Planting

Any tree or shrub planted pursuant to condition 14 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory provision for planting in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

17) Arboricultural Report

The development hereby approved shall be carried out in accordance with the Arboricultural Report, by ACS (Trees) Consulting, dated 28th October 2022.

To ensure the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

18) Replacement Tree

The Norway Maple tree (T2) and the Common Lime tree (T4) to be removed shall be replaced during the next winter planting season following the date of this decision.

Details of the replacement tree, including species and height, shall be submitted and approved in writing by the Council before the tree is removed.

To ensure a satisfactory provision for tree planting, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

19) Secured by Design

Prior to the commencement of the development, a statement of how "Secured by Design" requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

20) Flood Risk Assessment

The development shall be carried out in accordance with the remaining details contained within the Flood Risk Assessment (and addendum) submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

21) Surface Water Management Strategy

The development hereby approved shall not commence until details of a revised Surface Water Management Strategy has been submitted to and approved by Council. Details should review the inclusion of rainwater harvesting for re-use.

The measures shall thereafter be permanently retained for the life of the development.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

22) Transport and/or Industrial Noise Sources

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and reradiated 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 and industrial/ commercial noise sources, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

23) Separation of Communal Facilities/Plant etc. Noise From Noise Sensitive Premises

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor / ceiling / walls separating the basement plant room, gymnasium / communal facilities from apartments / noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 15dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and 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 Policies CC11 and CC13 of the Local Plan (2018).

24) External Noise From Machinery, Extract/Ventilation ducting, ASHP, mechanical gates, etc.

The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary.

Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

25) Anti-vibration Mounts and Silencing of Machinery Etc.

Prior to use, machinery, plant or equipment, extract/ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

26) Servicing Management Plan

Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council.

Details shall include but not be limited to times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, and quiet loading/unloading measures.

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

27) Air Quality Dust Management Plan (Construction)

Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m-3, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>

g. 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 construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machineryregister> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) 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.

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 SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

28) Ventilation Strategy

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the apartment hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m³, 20ug/m³ and 10 ug/m³ respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

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

b. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all apartment hotel rooms.

c. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.

d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (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 (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

Details approved under application Ref: 2024/01076/DET.

29) Ventilation Strategy Compliance

Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 28 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 Services Engineer (CIBSE).

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 SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

30) Zero Emissions Heating

Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps to be provided for space heating and hot water for the apartment hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

31) Aerobic Food Digester (AFD)

Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the apartment hotel (Use Class C1) to mitigate the impact of air pollution from vehicles associated with the removal of food waste 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 SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

32) Zero Emission Delivery Hub

Prior to occupation of the development hereby permitted, details of the installation of a carrier agnostic parcel locker including location and type of parcel locker and a minimum of two cargo bike parking spaces with cargo bike stands must 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 SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

33) Deliveries and Collections

At the development hereby permitted no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00 to 16:00 and 19:00 to 21:00 hrs on Monday to Friday, 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

In the interests of air quality, in accordance with Policy SI 1 of the London Plan (2021), and Policy CC10 of the Local Plan (2018).

34) Accessibility

No less than 10% of the total hotel bedrooms hereby approved shall be fully accessible for wheelchair users and designed in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 (or any such subsequent version of this guidance).

A further 10% of hotel bedrooms shall be designed and capable of adaptation to the requirements of 19.2.12 of British Standard BS8300-2:2018. The hotel bedrooms shall thereafter be permanently retained in this arrangement.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policy E10 of the Local Plan (2018).

35) Terraces

No part of any roofs of the new building or open space including within lightwells at the rear 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 properties to form access onto the roofs or open spaces.

The use of the roofs as a terrace or open areas as amenity spaces would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

36) Cycle Parking

The development hereby approved shall be carried out and completed in accordance with the details of the proposed storage of 24 cycles (20 long-stay and 4 short stay in connection with the apart hotel). The development shall not be occupied until the cycle storage provision has been made in accordance with the agreed details, and it shall be permanently retained and maintained for the life of the development.

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

37) Refuse Storage

No part of the development hereby approved shall be occupied prior to the submission and approval of further details regarding the provision of the refuse storage arrangements. The refuse storage arrangements shall be permanently retained thereafter in accordance with the approved details.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the character and appearance of the area arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan (2018).

38) Hotel Use

The hotel use shall be used solely for the purposes of a hotel only and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use 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 T1, E3, DC1, DC2, DC8, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

39) Maximum No. of Rooms

The Class C1 (aparthotel) use hereby approved shall have a maximum of 50 bedrooms. The number of lettable rooms shall not increase without the written approval of the council and shall not include areas at lower basement.

In granting this permission, the Council has had regard to the particular circumstances of the case.

An increase in the number of bedrooms 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 T1, E3, DC1, DC2, DC8, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

40) 30 Days Maximum Stay

The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the apart-hotel for a continuous period of more than 30 days.

A detailed register of all occupants shall be kept which will include names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the local planning authority.

In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in stay period 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 T1, E3, DC1, DC2, DC8, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

41) Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by John G Streets BEng(hons) Fire Engineering Consultant Fire Engineer, dated November 2022).

No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

To ensure that the development incorporates the necessary fire safety measures in accordance with the Policy D12 of the London Plan (2021).

42) Preliminary Risk Assessment

No development shall commence until a preliminary risk assessment report, in connection with land contamination, is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials; and a statement of whether a site investigation is necessary to address these potentially unacceptable risks. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) 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. The 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, and in accordance with Policy CC9 in the Local Plan (2018).

43) Site Investigation Scheme

No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. The site investigation should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan (2018).

44) Quantitative Risk Assessment Report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following the site investigation undertaken in compliance with the approved site investigation scheme if required by the approved preliminary risk assessment a quantitative risk assessment report is submitted to and approved in writing by the Council.

This report shall assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment.

All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land contamination (Defra 2004) 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. The 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, and in accordance with Policy CC9 of the Local Plan (2018).

45) Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment.

This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement.

All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) 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. The 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, and in accordance with Policy CC9 of the Local Plan (2018).

46) Verification Report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, 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 appropriate waste Duty of Care documentation 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 method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) 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. The 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, and in accordance with Policy CC9 of the Local Plan (2018).

47) Onward Long-Term Monitoring Methodology

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken.

If required, 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) 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. The 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, and in accordance with Policy CC9 of the Local Plan (2018).

48) Healthy Streets Assessment

Prior to commencement of the development, a Healthy Streets assessment in accordance with Transport for London guidance (including an Active Travel Zone assessment) shall be submitted to and approved in writing by the Council. The

measures within the approved Healthy Streets assessment shall be implemented prior to first occupation of the development.

To ensure the adequate mitigation measures for cyclists and pedestrians in accordance with Policy T3 and T4 of the London Plan (2021) and Policy T1 of the Local Plan (2018).

49) BREEAM Rating

The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Updated Energy & Sustainability Statement (Received 27 February 2026).

Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the 'Excellent' BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy SI 2 of The London Plan (2021) and Policies DC1, DC2 and CC2 of the Local Plan (2018).

50) Energy and CO2 Reductions

The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Updated Energy & Sustainability Statement (Received 27 February 2026). All details shall be implemented prior to occupation/use of the development hereby permitted and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies SI 2 and SI 3 of The London Plan (2021), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan (2018).

51) Obscure Glazed Windows

The development hereby permitted shall not be occupied until all above ground floor windows in the east and west side elevations have been installed so as to be non-openable and with obscure glazing, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the windows shall be retained in the form approved.

Such a use would be harmful to the existing residential amenities of neighbouring occupiers as a result of overlooking and loss of privacy, contrary to Policy DC1, HO11 and DC4 of the Local Plan (2018).

52) Build Contract

The development hereby approved shall not commence prior to approval by the Council of a valid and enforceable building contract for the redevelopment of the site in accordance with this planning permission, or approval by the Council of an alternative means of ensuring that it is satisfied that redevelopment of the site will take place within 6 months of the discharge of contamination conditions attached to this planning permission, and that such redevelopment will be carried out without interruption.

To safeguard the character and appearance of the conservation area, in accordance with Policies DC1, DC2, and DC8 of the Local Plan (2018).

Justification for approving application:

1. Land Use: The principle of the apart-hotel (Class C1) has already been established under the parent permission Ref: 2022/03682/FUL and remains unchanged by the proposed variation. The amendments relate solely to design refinements and basement alterations which do not alter the nature of the approved use. The uplift in floorspace results in a small increase in the scheme's contribution to employment and economic benefits. As such, the previously approved land use position remains acceptable and the development continues to comply with the NPPF (2024), Policies E9 and E10 of the London Plan (2021), and Policies FRA, E1, E2 and E3 of the Local Plan (2018).
2. Design, Appearance and Heritage: The principle of redevelopment, including the scale, massing, footprint and overall design of the replacement aparthotel, was established under planning permission Ref. 2022/03682/FUL. The proposed amendments at basement level are not visible from the street and are acceptable in principle. The minor footprint adjustments, and alterations to the roof do not significantly change the approved height, scale or massing. The changes to the elevations are more sympathetic to visual appearance. The development would continue to preserve the character and appearance of the Moore Park Conservation Area and safeguard the setting of nearby designated

and non-designated heritage assets. The proposals remain compliant with the National Planning Policy Framework (2024), London Plan Policies D1, D3 and D4, and Local Plan Policies DC1, DC2, DC4 and DC8. The scheme integrates appropriately within the streetscene and continues to uphold the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Residential Amenity: The development would respect the principles of good neighbourliness. The proposed amendments involve an enlarged basement area, minor alterations which to the footprint, roof profile and windows within the elevations. 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. Previously secured mitigation measures relating to plant and operational noise remain applicable. The development therefore remains acceptable in accordance with Policies DC1, DC2, CC11 and CC13 of the Local Plan).

4. Safety and Access: The proposed amendments do not alter the approved access strategy or inclusive design measures. The development would continue to provide a safe and secure environment for all users and maintain appropriate standards of accessibility, including for disabled people. The scheme therefore remains compliant with London Plan Policies D5 and D11 (2021), Policy DC2 and E3 of the Local Plan (2018), and Key Principles DA1, DA6 and DA9 of the Planning Guidance Supplementary Planning Document (2018).

5. Highways: The proposals would continue to have an acceptable impact on the local highway and parking. The application includes obligations and conditions that would ensure an that there would be an acceptable impact on traffic generation or congestion, and the development continues to comply with the NPPF (2024), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018), and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).

6. Flood Risk: An acceptable revised Flood Risk Assessment has been submitted and is secured by a condition. The proposal therefore accords with the NPPF (2024), Policy SI12 of the London Plan (2021), Policies CC2, CC3 and CC4 of the Local Plan (2018), and Policies FR1 and FR3 of the Planning Guidance Supplementary Planning Document (2018).

7. Sustainability and Energy Saving: A revised Energy Strategy has been submitted which includes improvement in terms of carbon reduction when

compared to the parent scheme. The details will be secured by condition, together with a carbon dioxide emission offset contribution secured by a legal agreement. The proposal therefore remains acceptable in accordance with Policies SI2, SI7 and DF1 of the London Plan (2021), Policies CC1 and CC2 of the Local Plan (2018), and Key Principle SDC1 of the Planning Guidance Supplementary Planning Document (2018).

8. Air Quality: Subject to mitigation, secured by the parent 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 and CC13.

9. Land Contamination: The conditions attached to the parent permission 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, Policies CC11, CC12 and CC13 of the Local Plan (2018) and Policies NN1, NN2 and NN3 of the Planning Guidance Supplementary Planning Document (2018).

10. Planning Obligations: Planning obligations to offset the impact of the development and to ensure an acceptable development are secured. The proposed amendments will require a variation of the approved s106 legal agreement including both financial and non-financial contributions relating to the carbon offset payment and economic development contributions. Subject to completion of a Deed of Variation, the development would satisfactorily mitigate the impacts of the proposals and accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).

That the applicant be informed as follows:

1. In determining this application, the local planning authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2018).

2. Permitted hours for building work:

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/ building works:

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Dust:

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition. Dark smoke and nuisance: No waste materials should be burnt on site of the development hereby approved.

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

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

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by case officer named above:

Application form received: 25th November 2025

Drawing Nos: see above

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

Supplementary Planning Documents:

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

Consultation Comments:

Comments from:
Environmental Agency

Dated:
05.02.2026

Historic England
HSE

21.01.2026
21.01.2026

Neighbour Comments:

Letters from:

436 Fulham Road London SW6	Dated: 31.01.2026
49 Moore Park Road London SW6	03.02.2026
2 Moore Park Road London SW6	04.02.2026
7 Hillary Close Fulham Road London SW6	05.02.2026
55 Britannia Road London SW6	05.02.2026
1 Hillary Close Fulham Road London SW6	05.02.2026
1 Hillary Close Fulham Road London SW6	06.02.2026
2 Moore Park Road London SW6	08.02.2026
503 Fulham Road London SW6	09.02.2026
39 Moore Park Road London SW6	09.02.2026
No Address Given (NAG)	10.02.2026
436 Fulham Road London SW6	11.02.2026
Italian Village Foundry Ltd. 414-416 Fulham Road SW6	11.02.2026

1. SITE DESCRIPTION AND HISTORY

- 1.1 The site is currently under construction in connection with the implementation of the 2024 parent planning permission Ref: 2022/03682/FUL for a hotel redevelopment for a 50-bed apart-hotel. On site works have been paused whilst the current part retrospective application is under consideration. The site was previously occupied by a three storey plus basement, semi-detached building, situated on the north side of Fulham Road. The site was in use as a hotel, comprising 43 rooms, with a separate nightclub and restaurant in the basement area.
- 1.2 The application site adjoins a residential development (Hilary Close) to the rear, with Chelsea Football Stadium beyond that. To the west the site adjoins Nos. 430 and 432 Fulham Road, a pair of three storey plus semi basement Buildings of Merit, occupied by a day nursery and residential units respectively. To the east, sits the three storey plus basement flatted development of Bovril Court.
- 1.3 The site falls within the Moore Park Conservation Area and the previous building on site was also locally listed as a Building of Merit until its demolition in 2021.

Relevant Planning History:

- 1.4 In May 2024, the parent permission (Ref: 2022/03682/FUL) was approved for the retrospective demolition of existing buildings and the erection of a four-storey plus basement building for use as 50apart -hotel complex (Class C1).
- 1.5 In March 2018 planning permission was granted for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel (Class C1) (ref 2017/01128/FUL). This permission was not implemented.
- 1.6 In March 2017 a planning application for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel was withdrawn (2016/05278/FUL).
- 1.7 In 2008 planning permission was approved for the erection of a rear extension at ground, first and second floor levels; erection of an extension above the existing linen store to the side of the building (for use as an office) together with related alterations and associated landscaping at basement level (2008/00962/FUL). This permission was not implemented.
- 1.8 In 2005 planning permission was refused for the erection of an extension on top of the existing linen store, on the eastern side of the hotel (2005/01141/FUL) on grounds of residential amenity (loss of outlook and an increased sense of enclosure).
- 1.9 In 2003 planning permission was refused for the erection of a single storey extension on top of the existing linen store, on the eastern flank of the hotel (2003/02880/FUL) on grounds of visual amenity.
- 1.10 In 1999 planning permission was approved for the erection of a part single storey, part two-storey rear extension (larger version of 1998 permission) (1998/00778/FUL). This was not implemented.
- 1.11 In 1998 planning permission was refused for the erection of an additional floor at roof level (1998/00775/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy). This was subsequently dismissed at appeal. The Inspector concluded "the additional floor would result in a building that is out of character with its surrounding. Because it would be higher than its immediate neighbours it would also become more dominant in the street scene in this part of the Conservation Area;" and " the proposal would result in an unacceptable impact on the living conditions of the occupiers of residential properties in Hilary Close as a result of overlooking, loss of privacy and intrusion."

- 1.12 In 1998 planning permission was approved for the erection of a part single storey part two-storey extension to the rear of the premises (1997/02233/FUL). This was not implemented.
- 1.13 In 1993 planning permission was refused for the erection of an additional floor at roof level (1992/01591/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy).

Pre-application Advice

- 1.14 Pre-application advice was sought in May 2025 for amendments to the 2024 permission for a 50-bed apart-hotel. The proposals included introducing a second basement beneath the approved single-storey basement, along with minor changes to the ground-floor footprint, elevations and roof. During these discussions and an on-site meeting, officers became aware that unauthorised works had already commenced. The basement had been substantially constructed without the required planning consent, constituting a breach of planning control.

- 1.15 The National Planning Framework makes clear that

‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how...they will investigate alleged cases of unauthorised development and take action where appropriate.’ (paragraph 60)

- 1.16 The Council’s Local Enforcement Plan 2018 states

...the Council has a responsibility to deliver services with fairness, openness, and proportionality when considering interventions such as planning enforcement. The planning enforcement process is often complex. Although carrying out unauthorised works is not in itself an offence, except in cases involving listed buildings, protected trees, or unauthorised advertisements, such development is liable to enforcement action where it results in demonstrable harm to visual amenity or neighbouring residents.

- 1.17 In line with the Enforcement Plan, the Council does not normally take formal action where a breach is considered minor, or where the level of harm does not justify intervention. Enforcement action is normally pursued only where the breach is clearly unacceptable and harmful. In most cases, the Council will normally first invite the submission of a planning application to assess whether the proposals are policy compliant.
- 1.18 In assessing any unauthorised works, the Council applies the same approach as it would to a formal planning application, considering the proposal against the development plan and other relevant material considerations. Wherever possible, the Council seeks to resolve matters informally with enforcement action used only as a last resort if the development is deemed to be causing unacceptable harm. A criminal offence only arises when an Enforcement Notice has been served and has not been complied with.
- 1.19 In this case, preapplication discussions were terminated as soon as it became clear that the proposals involved unauthorised works. The proposals were referred to senior officers in the planning enforcement team and after an initial investigation the applicants were advised to submit a retrospective

Current Proposals

- 1.20 The original planning permission ref: 2022/03682/FUL was granted on 1st May 2024 for the retrospective demolition of existing buildings and the erection of a four-storey plus basement building for use as 50. apart -hotel complex (Class C1). The applicant is now applying under Section 73 of the Town and Country Planning Act 1990 to make minor material amendments to that original planning permission. Specifically, the current application seeks to amend Condition 2 (Approved Plans) and Condition 20 (Flood Risk Assessment) in order to update the drawings and FRA associated with the permitted scheme.
- 1.21 The amendments include a retrospective second basement beneath the approved single storey basement and revised footprint as well as other alterations to the elevations, and roof profile.
- 1.22 When deciding a Section 73 application, the Council can only consider the conditions being varied and may: grant permission with revised conditions, grant permission unconditionally, or refuse the application and the original conditions would remain.

2. PUBLICITY AND CONSULTATION

Public Consultation –

2.1 The application has been publicised by way of site and press notices. Individual notification letters were sent to the occupiers of 496 neighbouring properties. In response, objections were received from 10 addresses. The grounds of objection can be summarised as follows:

- Inappropriate scale and intensity of development
- Original design should be retained
- Departure from approved drawings not justified
- Loss of outlook, daylight/sunlight
- Double basement causes extensive work and nuisance/ disruption
- Pattern of unauthorised development and lack of enforcement
- Previous conditions to protect amenity were ignored/ robust conditions are needed to safeguard amenity
- Clarity regarding who is responsible for redevelopment of the area
- Insufficient developer engagement difficulty contacting council
- Construction nuisance - vehicles, noise, vibration, dust pollution, air quality, health and safety
- Increase traffic, congestion and highway safety issues due to construction
- Additional basement space might be for parking which is not required
- Increased flood risk/ground water from
- Subsidence, drainage/infrastructure and structural impacts
- Alleged factual misrepresentations by the developer
- Breach of original permission / the Council should take action
- Perceived disregard for neighbours
- Inadequate site and construction management
- Failure to keep neighbours informed
- Belief that basement construction was not accidental
- Party wall requirements
- Developer operated without consequences due to offshore ownership

Officers Response

2.2 The, scale, intensity, design, construction management activities, traffic/parking impacts, flood risk, impact on residential property, air quality are considered in the relevant sections of this report This application seeks a narrow range of revisions to the 2024 permission which means that not all of these matters will differ from those approved under the previous permission.

2.3 In relation to construction matters, officers note that a substantial portion of the works has already been completed, including full formation of the basement and erection of the above ground works. The remaining elements primarily comprise external elevational treatments and completion of the roof. It is also noted that, outside the scope of this application, the Council has not received

any complaints regarding construction activity to date. In line with, planning enforcement action, works have been paused whilst the current application is under consideration. In consultation with planning enforcement, appropriate conditions would be attached to minimise construction impacts and to follow best practice standards consistent with considerate construction principles.

- 2.4 Regarding developer engagement, national planning guidance encourages developers carry out pre-application engagement with local residents but there is no statutory requirement to do so. However pursuant to conditions attached to the parent permission, the applicant has submitted a Construction Management Plan to discharge Condition 5 and Section 7.10 of that document includes contact details of the developer's appointed Resident Liaison Officer. The Council has publicised the application and carried out its' own consultation in accordance with statutory requirements.
- 2.5 Planning enforcement is discretionary, and each case is considered on an individual basis. Under national guidance councils are obliged to act proportionately and only take action when dealing with unauthorised breaches that result in demonstrable harm. The Council will usually invite a planning application to assess whether unauthorised works comply with policy. Retrospective applications are considered in the same way as a formal application, using the development plan and other material considerations. The Council aims to resolve issues informally, using enforcement only where unacceptable harm occurs. A criminal offence arises only if an Enforcement Notice is served and then not complied with. In this case, an application was invited following discussions with the planning enforcement team, and no planning enforcement notice has been served.
- 2.6 Party wall disputes are a civil matter between the parties concerned which are covered by alternative provisions contained within the Party Wall Act.

Statutory Consultees

- 2.7 Historic England – raised no objections.
- 2.8 Health and Safety Executive – raised no objections as the proposals do not trigger their consultation requirements.
- 2.9 Environment Agency – raised no objections in terms of flood risks.

3. POLICY CONTEXT

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.

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

National Planning Policy Framework (2024)

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

The London Plan (2021)

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

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also

material considerations. These provide supplementary detail to the policies and are organised around key principles.

- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2024), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG)/Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:
- land use;
 - basement and subterranean development;
 - design, appearance and heritage;
 - neighbouring amenity;
 - transport and highways;
 - environmental considerations;
 - Community Infrastructure Levy and Planning Obligations.

PLANNING CONSIDERATIONS

4. LAND USE

- 4.1 Paragraph 85 of the revised NPPF outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.2 London Plan Policy E10 aims for boroughs to support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision. The Policy seeks to achieve 58,000 net additional hotel bedrooms across London by 2041.
- 4.3 Local Plan Policy E1 states the Council will support the local economy and inward investment in the borough. Policy E3 adds that permission will be granted for new visitor accommodation within the three town centres, the Earls Court and West Kensington and White City Opportunity Areas. The justification to Policy E3 sets out the criteria against which proposals for visitor accommodation and facilities should be considered. These include:

- well located in relation to public transport;
- no detrimental impact on the local area;
- no loss of priority uses such as permanent housing;
- provision of adequate off-street servicing;
- at least 10% of hotel bedrooms designed as wheelchair accessible;
- a high standard of design; and
- schemes should add to the variety and quality of local visitor accommodation.

4.4 Outside of these identified areas, small scale hotels (not in excess of 50 bedrooms) are considered appropriate, subject to meeting the above criteria.

4.5 The 2024 Planning permission (ref. 2022/03682/FUL) established the principle of redeveloping the site to provide a 50 unit aparthotel (Class C1), following the demolition of the previous 43-bedroom hotel. The approved hotel scheme (2,210 sqm) confirmed that the site is an appropriate and established location for visitor accommodation, and that the proposed aparthotel falls within the same use class as the former hotel.

4.6 The additional basement (570 sqm) would provide 'back of house' plant and ancillary spaces. The approved floorspace at the upper basement level would be reconfigured to accommodate more two-beds rather than one-bed areas.

Conclusion on Land Use:

4.7 The principle of visitor accommodation on the site has already been accepted and remains established. The current Section 73 application would not alter the approved land use and is acceptable in policy terms.

5. DESIGN AND HERITAGE

Basement and Subterranean Development

5.1 Local Plan Policy DC11 concerns new basements and extensions to existing basements and typically seeks to restrict basement development to one storey, part (d) of Policy DC11 however identifies that exceptions may be made on large sites.

5.2 Policy DC11 further identifies that development proposals for basements should [inter alia]:

- not result in an unacceptable impact on the amenity of adjoining properties or on the local, natural and historic environment during and post construction;
- be designed to minimise the risk of flooding and help reduce the volume and flow of surface water run-off through appropriate use of SuDS;

- be designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure; and;
 - provide a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer); and; a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety.
- 5.3 The 2024 approval for the 50-bed apart-hotel included a large single storey basement beneath the footprint of the building (including large rear and front lightwells). The current application seeks retrospective consent for the retention of an additional basement to create double instead of a single storey basement under the footprint of the building. The applicant has included a revised construction method statement which demonstrates within their application submissions.
- 5.4 The supporting text in para.12.63 to Policy DC11 explains that multistorey basements may be acceptable on large sites, including major commercial developments or sites forming a substantial part of an urban block. In such cases, basements should be sized to accommodate all plant, equipment and associated operational requirements within the site, while also providing opportunities to reduce construction impacts and carbon emissions.
- 5.5 As the combined floorspace of the parent permission and the proposed amendments totals approximately 2,790 sqm, the site qualifies as an appropriate location for more than one basement level. This is subject to the development demonstrating no unacceptable impact on neighbouring properties or the local environment, minimising flood risk through appropriate SuDS measures, safeguarding structural stability, and providing a Construction Method Statement, prepared by a suitably qualified structural or civil engineer, alongside a construction traffic management plan to ensure construction activity does not adversely affect pedestrian, cyclist, or vehicular safety.
- 5.6 The proposed amendments to the basement remain entirely below ground and only marginally affect the approved building footprint and the proposed height, scale and massing of the development above ground remain largely unchanged. The revised double depth basement measures approximately 6.5 m, compared with the previously approved depth of around 3.75 m and would not be visible above ground except via the proposed lightwells.
- 5.7 The applicants have submitted an updated Construction Method Statement. The report confirms that the double depth basement construction included sensitive methods with appropriate piling, reinforced concrete slabs, and a full waterproofing system. The construction approach was specifically designed to minimise structural movement, safeguard neighbouring properties, and control environmental impacts throughout the excavation process.

- 5.8 Furthermore, to comply with the approved conditions attached to the parent permission, comprehensive measures were implemented to manage potential impacts on neighbouring residents and buildings. Continuous ground movement and vibration monitoring was in place throughout the excavation and formation of the basement, ensuring the stability of adjoining structures and preventing damage. Dust, emissions and air quality were controlled using measures to minimise nuisance to nearby occupiers. In addition, the basement incorporates a dedicated drainage system with automatic pump mechanisms and backup provision to prevent localised flooding or surface water issues.
- 5.9 Notably, the basement works are virtually complete and the approved works above ground are well underway. During the whole of this construction period, no resident complaints were received by the Council. The developer has controlled construction impacts through adherence to the Council's Considerate Constructor's Scheme which covers matters such as working hours, noise control, site safety, and protection of the public highway. Above ground works have been paused at third-floor level pending the outcome of this application. Subject to compliance with conditions, it's envisaged that the remaining works will have much less impact on residential than the works completed so far.
- 5.10 The Council's Environmental Policy (Flood Prevention) Team has reviewed the submission and confirmed that they have no objections to the proposed flood risk management measures, including those relating to groundwater. The updated flood risk strategy is secured by condition to ensure full compliance. Similarly, the Council's Highways officers have considered the proposals and raise no objections subject to conditions.

Conclusion on Basement and Subterranean Development:

- 5.11 The proposed double basement in this location is considered acceptable and has not resulted in an undue noise and disturbance during construction. The application is supported by a Structural Engineering Report together with updated flood risk, construction management and logistics details. Revised conditions regrading flood risk would be updated to secure these arrangements. Subject to these conditions, the impact of basement excavation and construction and the impact of the proposed development upon the local highway network and operation of Fulham Road are considered acceptable. The proposals accord with Local Plan Policy DC11.

Streetscene Context:

- 5.12 The site is located within the Moore Park Conservation Area. There are views of the application site from both directions along Fulham Road and from Maxwell Road opposite. The previous building which stood on the site and the adjoining

buildings (Nos.430 and 432) are all included on the Council's local register of Buildings of Merit, for their local townscape, architectural or historic importance. Buildings of Merit are non-designated heritage assets.

Planning Policy Context:

- 5.13 The NPPF emphasises the importance of well-designed buildings and places, stating in paragraph 131 that 'Good design is a key aspect of sustainable development, [and] creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 135 adds that planning decisions should ensure that developments [inter alia]: '- b) are visually attractive as a result of good architecture, layout...; - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.
- 5.14 London Plan Policy D3 requires that all new development enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions, and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well. London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities".
- 5.15 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 and DC4 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect: the historical context of the site; the scale, mass, form and grain of surrounding development; good neighbourliness; sustainability objectives, and, the principles of accessible and inclusive design. Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the 'Planning Guidance' SPD.

5.16

Historic Environment Planning Policy Context:

- 5.17 It is key to the assessment of this application that the decision-making process is based on the understanding of the specific duties in relation to listed buildings required by the relevant legislation, particularly the principal statutory duties stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act together with the requirements set out in the NPPF.
- 5.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.19 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para. 208).
- 5.20 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.
- 5.21 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 214 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 215 of the NPPF.
- 5.22 NPPF Paragraph 216 relates to the effect of an application on the significance of a non-designated heritage asset (i.e. Building of Merit) and states: "...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 5.23 Paragraph 217 adds that "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."

Significance of Heritage Assets (Designated and non-designated):

- 5.24 The area comprising the Moore Park Conservation Area was the earliest estate development to be built in Fulham, being laid out in the 1850s and completed in the following decade. The Fulham Road part of the area is characterised by a variety of building types and styles resulting in a townscape of building groups with contrasting textures, colours and details. The Moore Park conservation area was designated on 10 April 1989 to retain the character of the area around Fulham Road between Fulham Broadway and the Borough boundary, including Listed buildings, and locally listed, (Buildings of Merit) such as the Grade II listed Sir Oswald Stoll Foundation and Chelsea Studios, and the residential area of Victorian terraces between Fulham Road and King's Road.
- 5.25 The proposals include a minor amendment to the approved footprint which shifts the building slightly more to the east, the maximum sideward projection is approx. 1.3m and the minimum of 25cm. To the west the footprint is reduced and set more eastwards by approx. 1m on roughly a third of the elevation. For the rest of the elevation there is fractional increase of 20cm westward, which is inconsequential overall. Amendments to the roof plane to alter the shape marginally are also proposed and this would not result in any increase in overall height or material change to the massing or visual impact of the building within the streetscene. The front forecourt area has been refined to include minor adjustments to the entrance canopy and hard and soft landscaping treatment. These amendments improve legibility of the main entrance and enhance the quality of the public realm and the materials palette remains as previously approved, and there are no changes to the number of units (50 apart-hotel rooms) or the approved C1 use.
- 5.26 In terms of fenestration changes, a comparison of the approved front (south) and rear (north) elevations with the currently proposed elevation alterations shows that the proposed alterations to fenestration are minor and largely refinement based. The number and general arrangement of window openings remain consistent across both schemes, with no new openings introduced or existing ones removed. The proposals instead present a more regularised and vertically aligned window pattern, with window proportions made slightly taller and more uniform.
- 5.27 In regard to the east and west side elevations, the approved eastern flank elevation included three small windows on each floor from first floor above which would be retained but slightly elongated. On the ground floor a glazed door would replace by a small window. At the western flank elevation, which previously included no openings, new large openings are proposed at ground, first and second floor finished in opaque (obscure-glazed) glass. These adjustments result in a cleaner/lightweight, more contemporary expression of the façades without altering the established rhythm, spacing or architectural character.

5.28 The proposed above-ground form remains broadly consistent with the approved scheme in the parent permission (Ref: 2022/03682/FUL). The overall height, general massing strategy and principal composition along Fulham Road are retained. Whilst minor dimensional shifts are proposed in the building footprint, roofline and façade alignment, these adjustments are limited in extent and do not materially increase the building's overall scale or alter its established relationship with adjoining properties. The vertical rhythm, roof profile and general proportions continue to reflect the approved concept and maintain compatibility with the prevailing townscape. Officers are satisfied that, in terms of height and bulk, the revised scheme would not give rise to visual amenity harm beyond that previously assessed and accepted.

Conclusion on Heritage, Design and Appearance:

5.29 Overall, the proposed amendments do not materially affect the building's appearance, and are considered acceptable in design terms, remaining in keeping with the approved scheme. The parent permission includes conditions to secure appropriate detailing, and these conditions would be carried over to ensure the development is fully capable of preserving the character and appearance of the conservation area and setting and significance of the adjoining statutory listed and locally listed, (Buildings of Merit). Consequently, officers consider that the updated proposals would not result in any harm to the conservation area of adjacent heritage assets. As such, the proposal would be acceptable having due regard to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposals would comply with the NPPF (2023), London Plan (2021) Policy HC1 and Policies DC1, DC2 and DC8 of the Local Plan.

6 RESIDENTIAL AMENITY

6.1 Policy DC2 and DC4 of the Local Plan states that development proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 of the Local Plan seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance. CC11 and CC13 of the Local Plan (2018) relate to environmental nuisance. SPD "Housing Standards" Key Principle HS6 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook. Key Principle HS7 (iii) requires new windows to be positioned at least 18 metres away from existing windows or if the standard cannot be met, then they must be designed to ensure no loss of privacy.

6.2 The application site adjoins residential properties to the north and east at Hilary Close and Bovril Court respectively. Hilary Close is a gated backland residential site which comprises two terraces with a total of 7 three-storey houses that face each other across a central courtyard. The nearest property, No. 7, sits perpendicular to

the rear boundary of the site, and is separated by an existing electricity substation. The flank wall of No. 7 contains one window which serves a staircase, and there are views of the existing hotel from that rear garden. Bovril Court is a 4-storey residential block. This building contains two windows in each of the ground, first, second and third floor levels in its opposing western flank facing which serve a bedroom and bathroom at each level.

Outlook and sense of enclosure:

- 6.3 SPD Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. To test this, the Council use a reference line produced at an angle of 45 degrees from a point at ground level on the boundary of the site, or a point of 2m above ground level where rear gardens exceed 9m. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the development will have on the existing amenities of neighbouring properties.
- 6.4 The rear boundary that adjoins the garden of No. 7 Hilary Close is historic in nature and measures approximately 2.2m in height, the parent permission includes a replacement boundary wall of the same height. Therefore, it was considered reasonable to take the angle of 45 degrees from 2.2m above ground level. In that case the demolished hotel already breached an angle of 45 degrees taken from the top of the boundary and based on an on-site judgement it was considered that the approved buildings would not worsen the level of outlook from the gardens and windows in Hilary Close.
- 6.5 The proposed building would be substantially the same as that approved in the parent permission. The proposed building would be no higher than the approved building. The proposed footprint would be very similar with small changes.
- 6.6 To the east towards, the building would be up to 1.3m closer towards Bovril Court and retain a gap of some 3.2m (compared with the approved gap of 4.5m). Although there are windows in the opposing four storey flank at Bovril Court, the reduced gap is comparable with the gaps for the original hotel and the parent approval which resulted in poor outlook due to a narrow siting between the buildings. Based on an on-site judgement, officers consider that the reduction in outlook is acceptable.
- 6.7 To the west the proposed building would have a stepped elevation that results in an improved separation of 1m from the windowless flank elevation of 420 Fulham Road; however towards the rear of that flank the building would be 0.2m closer. The proposals would not worsen the current situation. Similarly, to the north towards

Hilary Close and the south towards Fulham Road the footprint remains substantially the same; the proposed building would not worsen the outlook.

6.8 Overall, the proposals are considered to be acceptable impact on existing outlook with regards to Policy DC2 and DC4 of the Local Plan (2018) and SPD (2018) Policy HS6.

Privacy:

6.9 SPD Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18m away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

6.10 The hotel building that was demolished in 2021, included a large number of hotel bedroom windows in its' rear elevation facing Hilary Close. Overall, the houses in Hilary Close form part of two separate terraces, perpendicular to the rear elevation of the approved, as such views between the existing residential and hotel windows are restricted due to oblique angles. At its closest point some of the hotel bedroom windows in the northern eastern part of the approved building, adjacent to No. 7 Hilary Close, would be 2.3m away. However, due to the orientation of No. 7 Hilary Close there would be no direct views to any opposing habitable room windows that property.

6.11 The rear windows in the approved parent permission were designed to be smaller than the original hotel building and reduce the perception of overlooking. The current proposals include a reduced number of windows, albeit slightly larger and the windows at the top floor (fourth floor) now sit at an angle within the revised mansard roof. with a setback of some 0.4m. behind a raised parapet. Overall, the proposed windows are no closer than the parent permission and the reduced number and set back at top floor would result in reduced sense of overlooking.

6.12 The eastern flank of the parent permission facing Bovril Court included three small windows on each floor from first floor and above; the proposals retain these windows which include a slightly elongated design. At ground floor a glazed door would replace an approved a small window. All of these windows would be fixed shut with obscure glazed and this is secured by condition. At ground floor, there would be no loss of privacy due to the retained boundary treatment.

6.13 The western flank of the parent permission (facing No.420) included no openings, whereas the proposals now include three new large window/door openings are proposed at ground, first and second floor. Above ground floor, the windows would be fixed shut with obscure glazing and this would be secured by condition.

6.14 Overall, it is not considered the proposal would cause undue loss of privacy to surrounding residential properties, in accordance with Policy DC2 and DC4 of the Local Plan and SPD Policy HS7.

Daylight/Sunlight:

6.15 The Council has had regard to the guidance set out in Building Research Establishments' (BRE) Guidelines 2022 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable.

6.16 The BRE Guide uses VSC (Vertical Sky Component) and NSL (No-Sky Line) to assess daylight, identifying impacts only where levels fall below 27% VSC and/or below 80% of former values, or where less than 80% of a room's working plane receives daylight. For sunlight, only main living rooms facing within 90° of due south are tested, and impacts are considered adverse only if APSH (Annual Probable Sunlight Hours) drops below 25% annually (5% in winter) and falls by 20% or more.

6.17 The applicant has submitted a detailed BRE assessment that compares the proposed variation scheme against the parent scheme. The results demonstrate that the vast majority of neighbouring windows and rooms retain the same or improved daylight and sunlight levels when compared to the consented scheme. There are three west-facing bedroom windows Bovril Court at lower ground, ground and first floor which would experience marginal reductions of Vertical Sky Component to 71%, 71%, and 78% respectively. These shortfalls below the VSC target of 80% are considered modest. In either case, BRE guidance makes clear that in urban areas, the guidance should be applied flexibly and in these circumstances the proposals are considered acceptable in respect of VSC.

6.18 Overall, any identified reductions are minor, isolated and unlikely to be perceptible in practice. All assessed properties remain broadly compliant with BRE guidance. Overshadowing to neighbouring gardens shows no material change, with amenity areas retaining the same or improved sunlight levels.

6.19 The scheme still complies with Local Plan Policies DC2, DC4 and HO11 and the Councils SPD Guidance.

Noise:

6.20 Policy CC11 requires development to protect people from harmful noise and to ensure new noise-generating uses do not worsen conditions for existing neighbours.

6.21 The Council's Environmental Protection Team have reviewed the application and raised no objection in regard to noise. The proposed amendments do not materially alter the operational characteristics of the approved apart-hotel development. There are no changes to the use, servicing arrangements, plant strategy, or external amenity areas that would give rise to additional noise impacts. The basement plant arrangement, removal of any roof terrace use, and noise mitigation secured by condition under the parent permission remain unchanged.

6.22 Accordingly, the assessment approved under the parent permission remains applicable and the development continues to comply with London Plan Policy D14, Local Plan Policies CC11 and CC13, and SPD Policies NN1–NN6.

7 Transport, Servicing and Parking

7.1 Policies T1, T2, T3, T4, T5, T6.4 and T7 of the London Plan 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.

7.2 Policy T1 of the Local Plan (2018) supports The London Plan. Policy T2 of the Local Plan (2018) states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies T3 and T4 of the Local Plan (2018) set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Policies TR1 - TR15.

7.3 The site benefits from a highly accessible location on Fulham Road with a PTAL rating of 5 ("very good"), within easy walking distance of Fulham Broadway Underground Station and with bus stops immediately adjacent to the site. The principle of a car-light visitor accommodation use in this location was previously accepted and remains unchanged.

7.4 This variation scheme does not alter the approved use (C1 apart-hotel), the number of units (50), or the overall operational characteristics of the development. As such, the anticipated trip generation, servicing demand and parking requirements remain materially consistent with the extant parent permission. A draft Travel Plan was previously submitted and supported by the Council's Highways Officer, subject to securing monitoring and review mechanisms through a Section 106 agreement.

- 7.5 Vehicular access arrangements remain as previously approved, including retention of the existing crossover and provision of one on-site Blue Badge parking space. No coach parking is proposed, and this will continue to be controlled by condition.
- 7.6 Cycle parking has been relocated within the front forecourt with detailed design to be secured by condition to ensure compliance with London Plan and Local Plan standards, and a financial contribution towards local cycle improvements secured via S106. Servicing and delivery arrangements continue to be accommodated within the site and are considered acceptable by the Council's Highways Team. A Construction Logistics Plan has also been reviewed and found satisfactory, subject to condition.

Conclusion on Transport, Servicing and Parking:

- 7.7 Overall, retrospectively the proposed amendments do not give rise to any material change in transport impacts and remains compliant with relevant London Plan and Local Plan transport policies. Subject to conditions and planning obligations consistent with the parent permission, the transport and servicing arrangements are considered satisfactory.

8 Environmental Matters

Flood Risk and Sustainable Urban Drainage Systems (SUDs):

- 8.1 London Plan Policies SI12 and SI 13 requires new development to comply with flood risk assessment and management requirements of National Policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.
- 8.2 Local Plan Policy CC3 and CC4 state that developments will be required to submit Flood Risk Assessments and Sustainable Drainage Strategies which demonstrate the reduction in the use of water and management of surface water run-off.
- 8.3 Policy CC3 of the Local Plan requires that new development is designed to take account of increasing risks of flooding and states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. Policy CC4 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDs). These are supported by SPD Policy SDC1.
- 8.4 This site is in the Environment Agency's Flood Zone 3. This indicates a high risk to flooding from the Thames, although the site is well protected by flood defences

such as the Thames Barrier and local river walls. If these were breached or overtopped, the site could be impacted by flood waters, although this possibility is not expected to be a potential issue until 2100. As the site includes a basement, groundwater and sewer flood risks are issues that are relevant for the application but the site is not in a surface water flooding hotspot, so this source of flooding is not significant.

- 8.5 The Flood Risk Assessment (FRA) submitted in the parent application included information on a range of flood mitigation measures which have been implemented as part of the design. The FRA confirms that structural waterproofing measures will be integrated into the basement capable of protecting the new building from groundwater whilst also not increasing flood risk off-site. The FRA also details flood resilience measures to be integrated to help mitigate flooding impacts. The proposed measures in this respect are adequate, and these will be secured by a condition.
- 8.6 In terms of managing surface water run-off from the site, the application is supported by an outline strategy developed to demonstrate that it is feasible for the site to meet the London Plan requirements in relation to attenuation of surface water runoff. For example, the new development will increase the amount of permeable surface at the site by including soft landscaped areas and permeable hard surfaces, and the inclusion of attenuation tanks.
- 8.7 The Environmental Policy (Flood Prevention) Team raised no objection subject to an addendum to the approved as the FRA included some information not included in the Addendum. This has been provided and officers are satisfied that a condition for the implementation of the measures as outlined in the previously approved FRA and Addendum are acceptable. The Environmental Agency was also consulted and raised no objection. This is secured by revised condition.

Land Contamination:

- 8.8 Policy CC9 of the Local Plan supports the remediation of contaminated land and requires appropriate investigation and mitigation to ensure no unacceptable risk to human health, controlled waters or the wider environment.
- 8.9 The site is understood to have a history of potentially contaminative uses. Site investigation, risk assessment, remediation and any necessary long-term monitoring were secured under the parent permission. The current Section 73 variation does not alter the approved land use, introduce new sensitive receptors, or materially change the site layout above ground. Whilst the basement depth has increased, contamination mitigation measures would continue to be addressed

through appropriately worded conditions already imposed on the parent permission.

- 8.10 The Council's Land Contamination Team have reviewed the proposals and raises no objection, subject to the previously imposed contamination conditions being retained Accordingly, the variation scheme does not give rise to any new contamination concerns and remains compliant with Policy CC9 of the Local Plan.

Air Quality:

- 8.11 Policy SI1 of the London Plan and Policy CC10 of the Local Plan seek to minimise exposure to poor air quality and reduce emissions from new development. The site lies within the borough-wide Air Quality Management Area and on Fulham Road, where background pollution levels are elevated due to traffic emissions.
- 8.12 . The application does not alter the approved hotel use, the number of units (50), or the expected trip generation. As such, traffic-related emissions and exposure for nearby receptors remain consistent with the existing permission. The addition of a second basement level does not increase occupancy or introduce new receptors. All previously secured air quality mitigation measures, including the use of Air Source Heat Pumps as a low-emission heating system, continue to apply.
- 8.13 The Council's Air Quality Officer has reviewed the updated Air Quality Assessment and raises no objection, subject to the retention of approved conditions relating to construction dust management, ventilation strategy, zero-emission heating, and delivery management. These measures are consistent with those secured under the parent permission. Subject to these conditions the proposed variation remains compliant with Policy SI1 of the London Plan and Policy CC10 of the Local Plan.

Climate Change and Sustainability:

- 8.14 London Plan Policy SI 2 states that major developments should meet the minimum standards for sustainable design and construction. Local Plan Policy CC1 and London Plan Policy SI 2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for CO2 emissions reductions in new buildings.
- 8.15 The energy strategy has been updated to follow the latest GLA 2022 'Lean, Clean, Green' guidance, replacing the older 2020 methodology. The update also takes account of the introduction of more stringent Building Regulation requirements on energy use and carbon emissions for new developments. Under the old Regulations, the building's baseline CO2 emissions were 149.48 tonnes/year. Energy efficiency measures reduced this to 110.08 tonnes and renewable energy

generation reduced CO2 further to 44.89 tonnes. This is equivalent to an overall CO2 saving of 69.97% of which 59.22% was achieved by renewable energy generation. The remaining emissions were proposed to be offset with a payment of £127,956.50.

- 8.16 The new Building Regulations set a much lower requirement in terms of the baseline for the building at 33.8 tonnes. Additional energy efficiency measures can reduce this to 22.2 tonnes and renewables bring this down further to 18.2 tonnes to be offset in order to achieve full net zero carbon. This is calculated as £51,827 in the updated Strategy but the council now encourages use of its own local costs of carbon to calculate carbon offset costs rather than the GLA's £95/tonne cost which would amount to a payment of £230,380.80. Although the two assessments are not directly comparable, the new design still delivers a 46% reduction in regulated emissions under Part L 2021, supported by enhanced insulation, highly efficient VRF heating/cooling, heat-pump-driven hot water generation, wastewater heat recovery and a roof-mounted PV array. The overall percentage CO2 reduction is less than before, but due to the reasons explained above, the final carbon footprint of the building will actually be lower due to the need to comply with the more stringent Building Regulations as well as comply with planning policy targets.
- 8.17 The scheme meets the London Plan carbon reduction requirements of achieving a minimum of 35% CO2 reduction through on-site measures, of which 15% needs to be met from energy efficiency measures. The scheme also maintains an Excellent BREEAM rating under the now more stringent BREEAM NC V6, representing an uplift from the earlier 2018 assessment. In addition, the Urban Greening Factor (UGF) has been increased by 3%, further improving site-wide environmental performance.
- 8.18 Subject to conditions securing the energy measures in the energy statement and the CO2 offset payment being included in the s106 Agreement (to be revised in the Deed of Variation), the proposal is considered acceptable and in line with against Local Plan Policy CC1 and CC2 and London Plan Policies GG6 and SI2.

9 Community Infrastructure Levy and Planning Obligations

Community Infrastructure Levy:

- 9.1 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London-wide Mayoral CIL the development, according to the figures provided in the applicant's mayor CIL form, the parent permission was estimated to be liable to an amount of £176,800 plus indexation

(subject to change). The Mayor via the GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan.

- 9.2 Borough CIL came into effect on 1 September 2015. The proposed charge for this part of the borough would be nil charge for hotel (Class C1) use.

Planning Obligations:

- 9.3 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan Policy DF1 and Local Plan Policy INFRA1 recognise the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 9.4 The legal agreement of parent permission incorporated the following heads of terms:
- 1) Contribution to economic development (circa £13,875) including the following:
 - a. Contribution of circa £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
 - b. 10% of labour employed on the construction of the development to be H&F residents
 - c. Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
 - d. 10% of build costs to be spent locally on H&F businesses
 - e. Submission of delivery and monitoring plans
 - f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)
 - 2) 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies). Also, 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 encourage end-users of the development to do so.

- 3) Fund necessary highway works arising from the development to Fulham Road frontage
- 4) Provision of a Travel Plan, and fund associated reviews (£3000 per review)
- 5) Development to be 'Coach free' (no coaches associated with the hotel use to park within the site or on Fulham Road; and hotel to advertise this restriction on their website)
- 6) Fund cycle route improvements (£25,000)
- 7) Provision of a Servicing and Deliveries Management Plan
- 8) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process
- 9) Carbon-off setting to achieve net zero carbon emissions payment in lieu of the development (£127,936.50).
- 10) AQDMP Compliance monitoring of £10,000 per annum of the construction phase of the development
- 11) Contribution towards Town Centre and Fulham Regeneration Area improvements: appropriate economic, social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole (£175,000)
- 12) A commitment to meet the costs of the Council's associated legal fees.

9.5 This s73 application would result in a Deed of Variation to existing legal agreement securing the obligations listed in paragraph 9.4 above with the following changes to (1) and (9):

- (1) An uplift in the Economic Development financial contribution as a result of the increase in floorspace.
- (9) An uplift in the Carbon-off set payment resulting largely from the council's new local tariff from £127,936.50 to £230,380.80.

10 CONCLUSION

- 10.1 In determining this Section 73 application, the Local Planning Authority is required to consider the development plan as a whole. Planning applications that accord with the development plan should be approved without delay unless material considerations indicate otherwise and any adverse impacts would significantly and demonstrably outweigh the benefits.
- 10.2 The assessment of this variation scheme has had regard to the National Planning Policy Framework, the London Plan, the Local Plan, and relevant supplementary guidance. The principle of a 50-unit apart-hotel (Use Class C1) on the site has already been established under planning permission Ref. 2022/03682/FUL and is not revisited as part of this application.
- 10.3 The proposed amendments comprise the introduction of a second basement level and limited above-ground refinements. The overall height, scale, massing and architectural approach remain broadly consistent with the approved scheme. Subject to securing high-quality façade detailing, the development would preserve the character and appearance of the Moore Park Conservation Area and comply with Policies DC1 and DC8 of the Local Plan.
- 10.4 The additional basement level would not give rise to unacceptable impacts in respect of neighbouring amenity, structural stability, flood risk, transport, air quality or land contamination, subject to appropriate mitigation secured by condition and planning obligation.
- 10.5 The variation does not alter the approved use, number of units or operational characteristics of the development. Transport, servicing, cycle parking, environmental and sustainability measures remain materially consistent with the extant permission. Planning obligations previously secured to mitigate highway impacts and provide employment and training opportunities continue to apply and would be updated as necessary through a deed of variation to the Section 106 agreement.
- 10.6 Officers have taken account of all representations received. Overall, having regard to the development plan as a whole and all other material considerations, it is considered that the proposed variation is acceptable and that planning permission should be granted subject to the conditions set out and the completion of a Deed of Variation to the Section 106 agreement.

