

London Borough Of Hammersmith & Fulham

Planning Applications Committee

Agenda for 11th January 2012

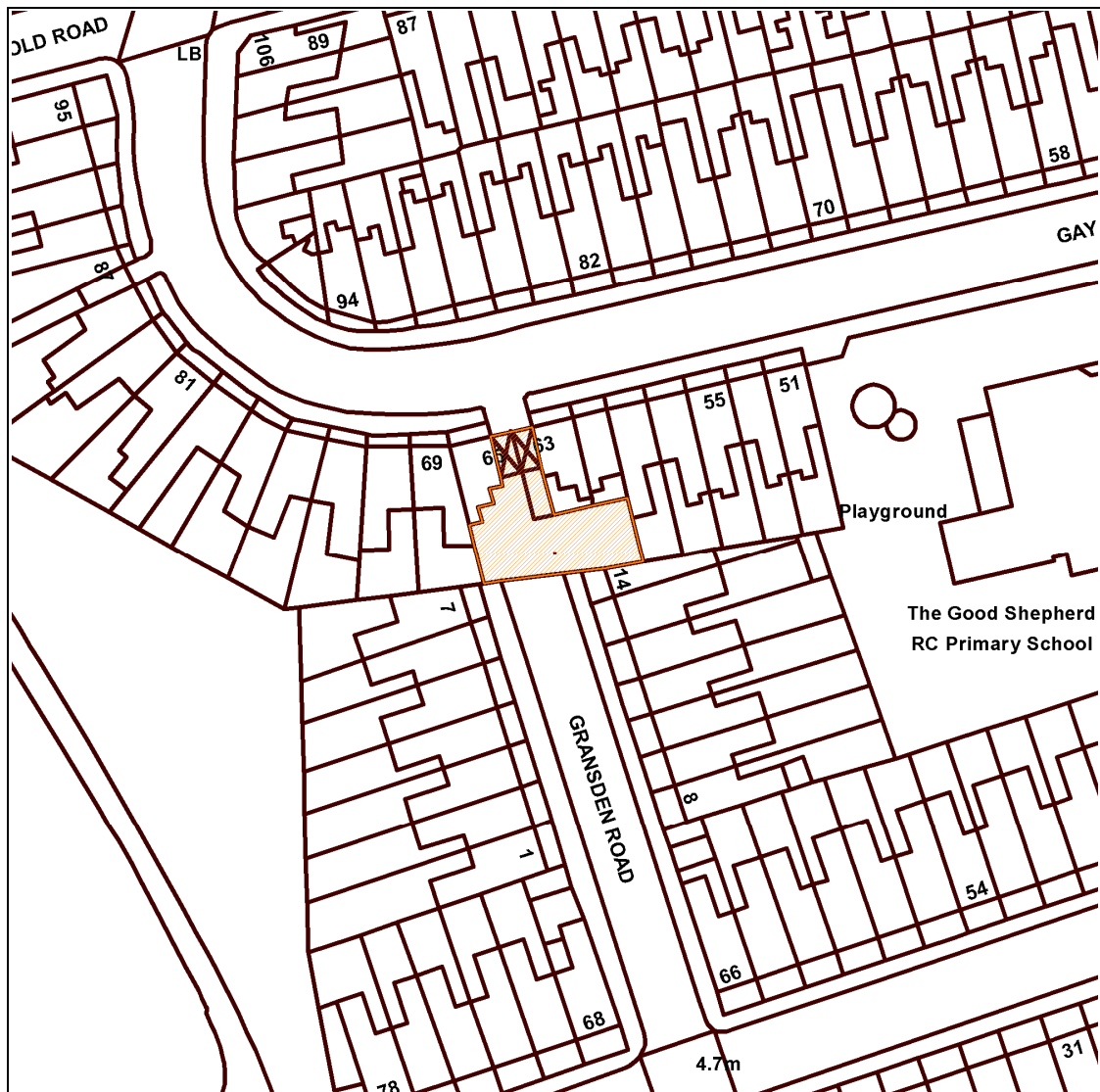
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Ward: Askew

Site Address:

Rear Of 63 - 65 Gayford Road London W12 9BY



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For identification purposes only - do not scale.

Reg. No:
2011/01198/FUL

Case Officer:
Dale Jones

Date Valid:
12.04.2011

Conservation Area:

Committee Date:
11.01.2012

Applicant:

Mr Ezra Ellis

Flat F 12 Hyde Park Street London W2 2JN

Description:

Redevelopment of car body repair workshop site through the erection of a part single and part three storey replacement building (retaining the Gransden Road elevation) to provide one x one bedroom flat and two x three storey, two bedroom houses; installation of new door and two new windows to Gayford Road elevation; installation of new door and three new windows to Gransden Road elevation.

Drg Nos: W12/65GR/PP112-01J; 02H; 03J; 04J; 05H; 06J; 07H; 09H; 10H; 11J; 12H; EX05A and EX08

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below:

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

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

- 2) The building development shall not be erected otherwise than in accordance with the detailed drawings which have been approved: W12/65GR/PP112-01J; 02H; 03J; 04J; 05H; 06J; 07H; 11H; 12H; EX05A and EX08

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 3) No demolition shall take place prior to the submission and approval in writing by the Council of details of the methods proposed for the demolition of the existing buildings on the site, details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties including control measures for dust, noise and vibration, and working hours. The demolition process shall be carried out in accordance with the approved details, as appropriate.

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policy EN19A,

EN20A, EN20B, EN20C and EN21 and of the Unitary Development Plan, as amended 2007 and 2011.

- 4) None of the demolition works shall be undertaken before a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details.

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harms to the street scene and character and appearance of the area, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 5) The development hereby approved shall not commence until particulars and samples of all materials to be used in all external faces of the development and details of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 6) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of full details of the proposed soft landscaping of all areas external to the building, including planting schedules and details of species, height and maturity of trees and shrubs and no part of the development shall be used or occupied prior to the implementation of the approved details. The approved landscaping 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 buildings, whichever is the earlier.

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 7) The development hereby permitted shall not commence until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. 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 for users of the development, in accordance with Policy EN10 of the Unitary Development Plan as amended 2007 and 2011.

- 8) No plumbing, extract flues or pipes, other than rainwater pipes shall be fixed on the front elevations of the new residential units hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and the conservation area, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

To ensure that the visual impact of telecommunication equipment can be considered, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 10) Pursuant to Article 3(1) and the provisions of Article 3(2) of the Town and Country Planning (General Permitted Development) Order 1995, as amended 2008 (or any future order amending, revoking and re-enacting that Order) Part 1 of Schedule 2 of the said Order (being development within the curtilage of the dwellinghouse) shall not apply to the dwellinghouses to which this planning permission relates, and no such development within the curtilage of the dwellinghouses shall take place without planning permission first being obtained.

Due to the limited size of the site and the proximity to neighbouring residential properties the Council wish to exercise future control over development which may affect residential amenity or the character or appearance of the conservation area, in accordance with policy EN8B of the Unitary Development Plan, as amended 2007 and 2011.

- 11) No alterations shall be carried out to the external appearance of the development, 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 EN8 and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

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

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 13) With the exception of the roof terraces hereby approved at second floor level, as indicated on the approved drawings: W12_65GR_PP_01H, no part of the roofs of the residential development hereby approved shall be converted into or be used as a terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs and no alterations shall be carried out to facilitate access onto these roofs.

Such a use would be harmful to the existing residential amenities of neighbouring occupiers as a result of overlooking, loss of privacy and additional noise and

disturbance, contrary to Policy EN21 and standards S13.2 and S13.2A of the Unitary Development Plan as amended 2007 and 2011.

- 14) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing: W12_65GR_PP_01H. All refuse and recycling generated by the development hereby permitted shall be stored within these enclosures and shall be permanently retained for these purposes.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy EN17 of the Unitary Development Plan, as amended 2007 and 2011 and the Council's Storage of Refuse and Recyclables Supplementary Planning Document.

- 15) The residential units hereby approved shall be constructed to Lifetime Homes standards.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from approved plans, in accordance with Policy 3A.5 of The London Plan and the Council's adopted supplementary planning document 'Access for All'.

- 16) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently retained.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan 2011 and PPS25.

- 17) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and

EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 18) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 19) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 20) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable

risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 21) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 22) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 23) All windows within the development hereby approved shall have timber frames and shall have a sliding sash design

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 24) The front door to the Gayford Road elevation shall be of a timber four panelled design.

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 25) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for noise, dust, vibration, lighting, delivery locations and working hours. The approved details shall be implemented throughout the full project period, as appropriate.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by dust from the building site, in accordance with Policies EN20A, EN20B, EN20C and EN21 of the EN21 of the Unitary Development Plan, as amended 2007 and 2011.

Summary of reasons for granting planning permission:

- 1) 1. The proposed redevelopment would bring forward much needed additional housing in accordance with policy 3.4 of The London Plan 2011 and the Core Strategy 2011, Policy LE1. The quality of accommodation, internal design and layout of the new residential units is considered satisfactory and the amenity space provision is acceptable, with regard to standards S5 and S7 of the Unitary Development Plan (UDP), as amended 2007 and 2011.
2. The development is considered to comply with UDP policy EN8, and policy 3.5 of The London Plan 2011. The proposals are considered to represent an enhancement of the street scene and a scheme that would respect the local setting. It is considered that UDP policy EN10, which requires a safe and secure environment, would also be complied with.
3. The proposal accords with UDP policy EN17 in that it would incorporate suitable facilities for the storage and collection of segregated waste. The proposal would also meet the requirements of UDP policies EN20A, EN20B and EN21 because the development would not cause any undue pollution, with no significant worsening of air quality; nor undue noise to neighbours, subject to conditions.
4. The impact of the proposals on the highway network and local parking conditions would be minimal, and the development would provide direct, convenient, safe and secure facilities for cyclists. The proposal would thereby accord with UDP policies TN6, TN13 and TN15.
5. The impact of the proposed development upon adjoining occupiers is considered acceptable. In this regard, the proposal would accord with UDP policy EN8, which requires developments to be, amongst other things, respectful of the principles of good neighbourliness, and with standard S13 which requires that

there be no significant loss of outlook or privacy to neighbouring occupiers and that no new roof terraces nor balconies be created, use of which might cause harm to the amenities of neighbours by reason of noise and disturbance.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 8th April 2011
Drawing Nos: see above

Policy Documents: The London Plan 2011
Unitary Development Plan as amended 2007 and 2011
Core Strategy 2011

Consultation Comments:

Comments from:
Environment Agency - Planning Liaison

Dated:
08.07.11

Neighbour Comments:

Letters from:	Dated:
NAG	21.05.11
6 Gransden Road London W12 9SA	01.06.11
4 Gransden Road London W12 9SA	27.05.11
4 Gransden Road London W12 9SA	02.06.11
59 Gayford Road London W12 9BY	26.05.11
55 Gayford Road London W12 9BY	31.05.11
88 Gayford Road London W12 9BW	20.05.11
7 Gransden Road London W12 9SA	25.05.11
6 Gransden Road London W12 9SA	24.05.11
5 Gransden Road London W12 9SA	25.05.11
13 Gransden Road London W12 9SA	03.06.11
59 Gayford rd	27.10.11
11 Gransden Road London W12 9SA	08.11.11
12 Gransden Road London W12 9SA	03.11.11
6 Gransden Road London W12 9SA	27.10.11
55 Gayford Road London W12 9BY	04.11.11
Nag	04.11.11
Nag	04.11.11
88 Gayford Road London W12 9BW	04.11.11
13 Gransden Road London W12 9SA	04.11.11
4 Gransden Road London W12 9SA	04.11.11
4 Gransden Road London W12 9SA	04.11.11
7 Gransden Road London W12 9SA	10.11.11
13 Wendell Road London W12 9RS	10.11.11

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The subject site relates to a currently vacant car repair workshop, which is located behind nos. 61, 63 and 65 Gayford Road and which backs onto Gransden Road at the rear. The workshop has been vacant for over 10 years. The existing building covers effectively the whole site and is single storey with a two storey section at Gransden Road, which was previously used as office rooms associated with the workshop. The property is accessed via an archway on the southern side of Gayford Road and a door on the northern side of Gransden Road. The surrounding area is residential in character, which mostly comprises two-storey terraced buildings.

1.2 The site is not located within a conservation area. The Ravenscourt & Starch Green Conservation Area is some 22m to the west, but the site is not visible from within it as existing neighbouring buildings block views of the property from Wormholt Park. The site lies within Environment Agency flood risk zones 2 and 3.

1.3 The proposal seeks planning permission for the redevelopment of the site through the erection of a part single and part three storey replacement building (retaining the Gransden Road elevation) to provide 1 x one bedroom flat and 2 x three storey, two bedroom houses; the installation of a new door and two new windows to the Gayford Road elevation; the installation of a new door and three new windows to the Gransden Road elevation.

1.4 This is a resubmission of a previous application (ref: 2009/01422/FUL), which was refused planning permission under delegated powers in March 2010 for the following reasons:

1. The proposal is considered to represent an over-development of this backland site. More particularly, in order to meet internal space standards, conservatories would be located in close proximity to the rear of properties on Gayford Road resulting in the sense of loss of privacy and enclosure to these occupiers. This is considered indicative of the over-development of this site. In this respect, the proposal represents an unneighbourly form of development, contrary to Policy EN8 and Standard S5A.1 of the Unitary Development Plan, as amended 2007.

2. The proposed development would result in the formation of residential units without making provision for any off-street car parking or any other alternative satisfactory arrangement. As a result the proposal would generate an additional demand for on-street car parking, to the detriment of the existing amenities of adjoining residential occupiers. In this respect the development is contrary to Policy TN15 and Standards S18 and S19 and Table 12.1 of the Unitary Development Plan, as amended 2007.

1.5 This application was also dismissed on appeal by the Planning Inspectorate (ref. APP/H5390/A/10/2128504). The Planning Inspector deemed that the proposed rear

conservatories would have an unacceptable impact upon the amenities of the occupiers of the Gayford Road properties as a result of loss of outlook and increased sense of enclosure. Furthermore, it was also held that the levels of car parking stress locally would be increased to the detriment of residential amenity as there was no mechanism before the Inspector in the form of a section 106 agreement, to ensure that the development would be permit free. There are also older refusals of planning permission for redevelopment of this site for residential purposes, dating from 2008 and 2009, though the 2009/01422/FUL application is the most pertinent.

1.6 The current proposal has been amended from the 2009/01422/FUL application by way of omitting the offending proposed first floor rear conservatories; and by the applicant proposing to enter into a car-free agreement with the Council. The current application has also been revised since being first submitted to reduce the quantum of development on site, through the deletion of study/playrooms at second floor level to each of the proposed houses. An additional round of public notification was carried out, in order to allow residents an opportunity to comment on the amended scheme.

2.0 PUBLICITY AND CONSULTATIONS

2.1 Individual notification letters were sent to occupiers of adjacent properties along Gayford Road and Gransden Road. 10 letters of objection were received on the original notification from occupiers of Gayford Road and Gransden Road, with one letter with no address given; and 14 were received to the further notification from occupiers of Gayford Road, Gransden Road and Wendell Road, together with two letters with no address given. The issues raised by residents in both sets of notifications to neighbours were very similar and are summarised as follows:

- Reasons for refusal of previous applications have not been addressed
- Overdevelopment
- Proposal would result in the loss of privacy and increased overlooking
- Would change the nature of a quiet cul-de-sac
- Proposal would put further pressure on parking
- Claim that there is widespread support for this development from neighbours is incorrect.
- Development will cause stress and ill health
- Proposal will result in security issues along Gransden Road
- There will be disturbance during building works
- Current state of premises are the responsibility of the current owner
- Door to Gransden Road has never been used as a primary access
- Proposal would be likely to appeal to professional couples and not families which would result in further parking stress
- Planters reduce the amount of amenity space
- Proposal would result in a loss of light due to the building line
- Proposal would result in additional traffic
- Proposal would put further stress on sewage system
- Issue of contamination has been sidestepped
- Proposed parking space on Gayford Road is used as a passing point - this should not be lost
- Roof terraces will result in disturbance
- Rights to light and privacy would be infringed
- Additional residential accommodation is not required
- Proposed residential units are too small in terms of internal/external area

2.2 Officer comments/response to objections: Land use, design, amenity, highways matters, standard of accommodation and contamination considerations are discussed in the main body of the report. Issues regarding disturbance caused by building works and the impact on the sewerage system are not generally considered to be material planning considerations. In any event, it is considered that the provision of three additional residential properties would not weigh heavily on the local drainage infrastructure.

2.3 The Environment Agency have raised no objections. The London Fire Brigade, the Crime Prevention Design Officer and Thames Water have not responded to their consultation letters to date.

3.0 PLANNING CONSIDERATIONS

3.1 The main issues in this case are the acceptability of the proposal in land use terms, visual amenity, impacts on traffic and parking, standard of accommodation and impacts on the amenity of neighbours having regard to the policies and standards of the Mayor's London Plan, as amended 2011, the Unitary Development Plan, as amended 2007 and 2011, the Core Strategy 2011 and Government guidance.

LAND USE and DENSITY

3.2 PPS3 promotes the provision of good quality housing through mixed, inclusive and sustainable communities, in sustainable locations with access to jobs and services. Effective use of land is encouraged in this national guidance, with a priority for re-using brownfield sites. Policy 3.3 of The London Plan 2011 states that 'Boroughs should identify and seek to enable development capacity to be brought forward to meet [borough housing targets]... in particular the potential to realise brownfield housing capacity including the redevelopment of surplus commercial capacity.' Borough Wide Strategic Policy LE1 of the Core Strategy 2011 relates to 'Local Economy and Employment' and supports small and medium sized businesses in the local economy.

3.3 The policy states 'To ensure that accommodation is available for all sizes of business including small and medium sized enterprises by: requiring flexible space suitable for small and medium sized enterprises in large new business developments; and retaining premises capable of providing continued accommodation for local services or significant employment unless':

1. continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be satisfactorily demonstrated that the property is no longer required for employment purposes; or
4. an alternative use would enable support for essential public services and is otherwise acceptable'.

3.4 The proposal would result in the loss of a car body workshop to be replaced with three residential units. Policy 3.3 of The London Plan requires that 32,210 net additional homes should be delivered per annum in London. Of this, the London Borough of Hammersmith and Fulham has a target in the Core Strategy to deliver 615 net additional dwellings per annum. The proposed redevelopment to provide 3 residential units would contribute to these targets, albeit in a small way.

3.5 The car repair workshop was last operational some 10 years ago and since this time no other active employment use has been forthcoming. Officers would normally expect to see a satisfactory marketing exercise carried out that revealed that the site was no longer appropriate or viable for continued employment use to satisfy part 3 of Policy LE1 of the Core Strategy; but in this case the length of vacancy and specific circumstances of the site are considered sufficient to consider the site as surplus to requirements and a brownfield site that has potential to be redeveloped for housing, complying with Core Strategy Policy LE1 and London Plan Policy 3.3.

3.6 The site has a public transport accessibility level (PTAL) of 2 and a site area of 227 sq metres, and there are 8 habitable rooms proposed in total, which would result in a density of 352 hrh, which accords with the provisions of the density matrix in The London Plan, as amended 2011 where the appropriate range for a site with a PTAL of 2 to 3 is 200-450 hrh. This scheme proposes less accommodation than any of the previously refused schemes. Policy 3.4 of The London Plan recognises that the density ranges quoted are broad, enabling account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity. Taking into account the site's constraints and the need to respond sympathetically with the context of the surrounding buildings, and the fact that the scheme provides for family and non-family sized units it is considered that the development would optimise the housing capacity on this site to an acceptable level.

AFFORDABLE HOUSING

3.7 Policy 3.12 of the Mayor's London Plan, 2011 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes, having regard to their development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. Policy 3.12 of the Mayor's London Plan states that boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out. In this case the proposed development would provide 3 units and a higher quantum or intensity of development would result in adverse impacts on neighbours, such that in this so there is no requirement for affordable housing in this case.

VISUAL AMENITY

3.8 Policy EN8 of the UDP relates to the design of new development and states that 'Development will not be permitted unless it is of a high standard of design and compatible with the scale and character of the existing development and its setting. Schemes must be formulated to respect the historical context of the area and its sense of place, the scale, mass, form and grain of the surrounding development, relationship to the existing townscape, rhythm and articulation of frontages, local building materials, sustainability objectives and the principles of good neighbourliness'. London Plan Policy 7.4 states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment.'

3.9 Officers consider the proposed redevelopment would have a limited impact on the streetscene given that most of the development would be hidden behind existing frontages (on Gayford Road and Gransden Road). The rear wall facing Gransden Road would remain with a new door and three windows being inserted into this elevation, which is considered to enhance the appearance and add interest to the elevation (this elevation treatment follows the previous development that was submitted). The existing garage doors on the Gayford Road elevation would be replaced with a four panel door and new windows. The existing vehicle entrance at Gayford Road would be removed and replaced with soft landscaping and boundary treatment. Officers consider these alterations would also improve the quality of the streetscene. As the internal floor to ceiling levels of the existing two storey building are high, the new third floor which would be provided (forming terraces) could be accommodated within the envelope of the existing building not projecting above the existing Gransden Road elevation and would therefore not be visible from the street. Officers consider the proposal to be of appropriate design and bulk, having limited impact on the character and appearance of the surrounding area and complying with Policy EN8.

RESIDENTIAL AMENITY

3.10 UDP policy EN8 states that proposals should respect the principles of good neighbourliness. Standard S13.1 refers to outlook and requires development to not have an overbearing and dominating effect, detrimental to the enjoyment of adjoining residential occupiers of their properties by way its proximity and scale. Standard S13.2 is concerned with the loss of privacy to occupiers of nearby residential properties as a result of development and standard S13.2A states that permission will not be granted for roof terraces or balconies if its use is likely to cause harm to the existing amenities of neighbouring occupiers by way of noise and disturbance. UDP Policy EN21 states that all development shall ensure that there is no undue detriment to the general amenities enjoyed by existing occupiers of surrounding properties.

3.11 Reasons for refusal of the previous applications related to the overdevelopment of this backland site which resulted in insufficient private external amenity space for future occupiers of the family dwellings; and windows which would have resulted in an unneighbourly form of development for residents at Gayford Road. With the current scheme the windows facing towards Gayford Road properties are of smaller size and at a higher level than previously, such that overlooking would not be possible. The conservatories that were previously refused and dismissed on appeal have been omitted from the scheme and the total number of the rooms has been reduced in order to achieve an acceptable balance between unit sizes and external amenity space being provided.

3.12 The confined nature of the site and proximity to the rear of properties on Gayford Road means that the level of outlook from windows on the rear of the adjacent properties is already partially compromised by the existing building. The proposal would result in the building at the rear increased internally from two to three storeys (though the height of the building would remain the same) and increased in depth, (i.e. moved closer to neighbouring property in Gayford Road, by 800 mm. This is as previously proposed. In addition, again similar to the previously designed scheme, the proposed development would incorporate a mansard roof and this mansard would have a pitch of 65 degrees, meaning that the eaves line of the building would actually be reduced, and this would limit a further loss of outlook. A line drawn from ground floor level at 45 degrees towards the proposed development from the rear boundaries of 61 and 63

Gayford Road (as required by Standard S13.1) would intercept both the existing and proposed buildings. However, a line drawn 2m above ground level would not intercept the proposed building and pass the proposed building, indicating that there would not be a further loss of outlook as a result of this development.

3.13 Given the proximity of buildings as existing and proposed officers consider the proposed development would not result in an unacceptable increase of sunlight or daylight being blocked to any windows of adjacent properties; as daylighting angles would not be breached. The size of the terraces at second floor level have been increased compared with the previously refused application. However, officers do not consider this would result in the material disturbance of neighbours. The terraces would also be enclosed (apart from upwards towards the sky) thereby not allowing overlooking and minimising noise. The proposal would therefore comply with Standard S13.2A.

3.14 Windows to the proposed habitable windows to the rear elevation facing south down Gransden Road at first floor level would be located within 18 metres of existing windows of residential properties on that road. However, owing to the orientation of the application property and the siting of the terraced properties along either side of Gransden Road, the angle would be oblique, such that the amenities of existing neighbours would not, in officers' view, be materially compromised such that permission should be refused on that basis.

HIGHWAYS MATTERS

3.15 UDP Policy TN13 requires all development proposals to be assessed for their contribution to traffic generation and their impact on congestion. Policy TN15 of the UDP requires any proposed development to conform to the parking standards, as stated in Standards S18 and S19 as well as Table 12.1 to ensure that there would be no unacceptable increase in on-street parking demand. UDP Policy TN4 states that development will not be permitted unless in terms of its design and layout it would facilitate ease of access by disabled people and others with impaired mobility to and from public transport facilities and car parking areas that directly serve the development.

3.16 Three off-street car parking spaces would be required for this development. No off-street car parking is proposed. A crossover on Gayford Road would be removed as a result of this development and an additional car parking space could, in theory, be provided in this location. However, in officers' view this area is a useful passing area and/or unloading area in this street and therefore it should not be used as a parking space. Therefore, the proposal would need to be designated as 'Car Parking Permit Free' in order to prevent future occupiers of the development from obtaining on street parking permits. This would be secured by legal agreement and is considered an appropriate measure to control parking stress levels in Gayford Road and nearby streets, particularly so given that calculated potential demand for car parking spaces from the development (including visitor spaces).

3.17 Given the location of the site, with adequate public transport accessibility and easy access to shops and services (along Askew Road and Goldhawk/Uxbridge Roads), the restriction of parking permits is considered to be an appropriate approach in this case. It is not considered that the proposed development would be likely to have an unacceptable impact on the existing amenities of local residents as a result of increased on-street car parking stress, subject to this arrangement. The applicants have agreed to this, in order to address the previous reasons for refusal, and concerns raised in the

previously dismissed appeal. On this basis, the proposal is considered to accord with policies TN13 and TN15 and Standards 18 and 19 of the UDP.

3.18 At least three secure and safe cycle parking spaces are required to be provided with this development. A space for bicycle parking in each unit is shown which is considered sufficient to meet the needs of the proposed development in this case.

STANDARD OF ACCOMMODATION

3.19 Standard S7A relates to internal space provision in new dwellings and outlines the minimum floor area for units. Standard S5A.1 states that new family dwellings should have at least 36 sq m of private amenity space with direct access from the dwelling. Standard S5A.2 requires at least 14 sq m of private amenity space for non-family dwellings. Standard S13.3 states that no dwelling shall have all its habitable room windows facing exclusively in a northerly direction. Policy EN17 requires development to provide suitable facilities for the storage and collection of segregated waste.

3.20 The proposed one bedroom flat located at ground level would have a private amenity area at ground floor level to its rear of 14 sq m, meeting the requirement of Standard S5A.2. The two family dwelling houses would each have more than 36 sq m private amenity space, and would comprise two separate areas for each unit at ground and second floor levels in both cases. The overall area provided would be an acceptable amount, to accord with the provisions of Standard S5A.2, and this would address the previous concern raised in respect to inadequate private amenity space provision.

3.21 The new residential development would provide 3 residential units, comprising 2 x 2-bedroom houses and 1 x 1-bedroom flat. House 1 would be 85.5 sq m and House 2 84.1 sq m. The proposed one bedroom flat would have an internal floor area of 45.9 sq m. Each of the proposed units has been designed to exceed the space standards for unit sizes as outlined in Standard S7A of the UDP. The two new houses would also exceed the minimum sizes for such dwellings as set out in Table 3.3 of London Plan 2011. However, the proposed 1-bedroom flat would have a shortfall, as The London Plan would expect 50 sq m. In this case the shortfall would be only c.4 sq metres, and officers do not consider that the proposal would result in an unacceptably small flat.

3.22 Each of the residential units proposed would be dual aspect in an east-west orientation and each of the units would have windows to habitable rooms which do not face in a northerly direction. Windows that would be inserted into the Gransden Road elevation serving the living rooms of the two houses and a bedroom of one house would face in a southerly direction and the bedroom window of the flat would face in an easterly direction. The proposal would therefore provide at least one window receiving direct sunlight to all units, complying with Standard S13.3 of the UDP. The proposed units would receive adequate aspect and levels of natural light.

3.23 The ground floor amenity space for each of the units indicates an area for refuse storage. Officers consider these to be appropriate locations; and that there would be sufficient space to accommodate recycling storage in those locations also.

OTHER ISSUES

3.24 All the flats are to be built to the Lifetime Homes standards, required by Policy 7.1 of the London Plan 2011. A condition has been attached to secure these details (condition no.15).

3.25 The site has most recently been used as a car body repair workshop which may have dealt with contaminative substances. In order 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 policies EN20A and EN21 of the UDP, policy CC4 of the Core Strategy, and policy 5.21 of The London Plan 2011 conditions are therefore recommended in connection with the provision of an intrusive investigation, risk assessment, remediation and verification works (condition nos. 17 - 22).

3.26 The site lies in Flood Risk Zones 2 and 3. The applicant has submitted a flood risk assessment which states that the ground floor levels in the houses would be lowered by 300mm from the current site finishes, no basement areas are proposed and the houses have upper floor accommodation for retreat in the event of flooding. It is also stated that, subject to the use of certain types of showers and baths on the ground floors, all units can be protected from flooding at least to spill level of the sanitary ware, if entrance doors are appropriately detailed and closed at the time of flood. This is considered acceptable. It is noted that the Environment Agency have not raised any objection.

3.27 Officers view is that the proposal would not raise significant flood risk issues for the area such that it should be refused even though the proposal would move the land use from a 'less vulnerable' to a 'more vulnerable' use, as it would not have an adverse effect on a watercourse, floodplain or flood defences, it would not impede access to flood defence and management facilities nor add to the cumulative impact of such developments on local flood storage capacity or flood flows.

3.28 With regard to Sustainable Urban Drainage (SUDS), reference is made in the submitted Flood Risk Assessment (FRA) to attenuating surface water run-off from the site to 50% of the undeveloped site run-off rate. It is recommended that further information on SUDS, details of which shall be implemented on site prior to occupation, be secured by way of a condition (condition 16). Officers are satisfied that the imposition of such a condition would secure a suitable drainage scheme, taking into full account environmental considerations.

LEGAL AGREEMENT

3.29 The agreement would include clauses requiring the applicant to pay for the existing crossover to be reinstated to footway and extending the length of the current parking bay at the site. The agreement would also ensure that occupiers of the proposed residential units would not be eligible for parking permits.

4.0 CONCLUSION AND RECOMMENDATION

4.1 Officers consider that the proposed redevelopment would be acceptable in land use terms and would provide a satisfactory standard of accommodation for its future occupiers, without prejudice to the amenities of existing surrounding occupiers. The proposal is also considered to be acceptable with respect to relevant national guidance, London Plan policies and UDP policies and standards relating to inclusive access, transport, environmental impacts and sustainability.

4.2 Therefore, subject to the planning conditions and a legal agreement and as set out in this report, it is recommended that planning permission be granted.

Ward: Town

Site Address:

4 - 8 Effie Road London SW6 1TB



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For identification purposes only - do not scale.

Reg. No:
2011/02033/FUL

Case Officer:
Roy Asagba-Power

Date Valid:
06.07.2011

Conservation Area:
Walham Green Conservation Area - Number 14

Committee Date:
11.01.2012

Applicant:

Bonminster Ltd
c/o Agent

Description:

Partial demolition of existing building; redevelopment to provide 7 residential units and A1 shop (42sqm) and replacement of folding windows to shopfront with fixed shopfront. Drg Nos: PR02(D); PR03(D); PR04(D); PR05(D); PR06(D); PR07; PR08;PR09; PR10; Planning Statement; Daylight _ Sunlight; Flood Risk Report; PPS5 Statement; Marketing Report

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below:

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

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

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

PR02(D); PR03(D); PR04(D); PR05(D); PR06(D); PR07; PR08; PR09; PR10

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.8 and 7.21 of the London Plan and policies EN2, EN2B, EN2C; and EN8 of the Unitary Development Plan as amended 2007 and 2011 and policy BE1 of the Core Strategy 2011.

- 3) Prior to commencement of the development hereby approved, a demolition method statement and a construction logistics plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations and working hours. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by dust from the building site, in accordance with Policy EN20A, EN20B, EN20C and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 4) No development shall 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 EN2, EN2B, EN2C and EN8 of the Unitary Development Plan, as amended 2007 and 2011 and Policy BE1 of the Core Strategy 2011.

- 5) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces and roof coverings of the building (including colour and sample of render), have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies EN2, EN2B, EN2C and EN8 of the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Core Strategy 2011.

- 6) The development shall not commence until detailed drawings of a typical bay on the front elevation of the new building at Nos. 4 - 8 Effie Road in plan, section and elevation at a scale of no less than 1:20 to be submitted in writing for the Council's approval prior to construction commencing and built in accordance with the approved drawings.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2, EN2B, EN2C, EN8 EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Policy BE1 of the Core Strategy 2011.

- 7) The development hereby approved shall not commence until detailed drawings at a scale of no less than 1:20 of all external windows, doors, entrances and gates, have been submitted to and approved in writing by the Council and the development shall be carried out in accordance with such details as have been approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2, EN2B, EN2C, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Core Strategy 2011.

- 8) No alterations shall be carried out to the external appearance of the building, 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 EN2, EN2B, EN2C, EN8, EN8B, EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Core Strategy 2011.

- 9) The development shall not commence until a statement of how "Secured by Design" requirements are to be adequately achieved has been submitted to and approved in writing by the Council. 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 for users of the development, in accordance with policy EN10 of the Unitary Development Plan as amended 2007 and 2011.

- 10) The development shall not be implemented until details of the sound insulation of the floor/ceiling and walls separating the commercial parts of the development premises from the residential properties on the first floor have been submitted and approved in writing. Details are to ensure that the DnT,w+Ctr noise level difference and sound insulation of floor/ ceiling/ walls and any other mitigation measures are sufficiently enhanced and that the standards specified in BS 8233:1999 are achieved within noise sensitive premises and their external amenity areas. Once implemented, these details shall thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

To ensure that adjoining occupiers are not unduly affected by noise and disturbance, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 11) The development shall not commence until details of the external noise level emitted from plant/ machinery/ equipment and mitigation measures have been submitted to and approved in writing by the Council. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at noise sensitive premises [with all machinery operating together]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

In order that the plant, machinery and equipment used in connection with the permitted use does not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 12) The development shall not commence until details of anti-vibration measures have been submitted to and approved in writing by the Council. The measures shall ensure that any machinery, plant/equipment, extract/ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

In order that the machinery and equipment used in connection with the permitted use does not give rise to conditions that would be detrimental to the amenities of

surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies EN2, EN2B and EN8B of the Unitary Development Plan, as amended 2007 and 2011.

- 14) The development shall not be occupied before details of the refuse storage hereby approved, including provision for the storage of recyclable materials, have been implemented. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use.

To ensure the satisfactory provision of refuse storage and recycling in accordance with policy EN17 of the Unitary Development Plan, as amended 2007 and 2011.

- 15) The development shall not be occupied until details of the secure cycle storage hereby approved have been implemented and shall be retained thereafter for the lifetime of the development.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.9 and 6.13 of the London Plan 2011 and policy TN6 and Standard S20.1 of the Unitary Development Plan as amended 2007 and 2011.

- 16) No customers shall be on the premises in connection with the ground floor commercial uses hereby approved between 23:00 hours and 07:00 hours the following day.

In order that noise and disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents in compliance with policies EN20A, EN20B, EN21 and SH11 of the Unitary Development Plan, as amended 2007 and 2011.

- 17) No deliveries, refuse collection and/or any other servicing activities in connection with the retail (Class A1) hereby approved shall take place between 20.00 hours and 07.00 the following day.

To safeguard the residential amenities of the neighbouring properties, in accordance with policies EN20A, EN20B and EN21 of the Unitary Development Plan as amended 2007 and 2011.

- 18) With the specific exception of the terrace area indicated on the approved drawings, no part of any other flat roof of the approved building shall be used as a terrace or other amenity space.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with Policy EN21 and Standard S13.2 of the Unitary Development Plan, as amended 2007 and 2011.

- 19) All ground floor entrance doors hereby approved shall not be less than 1 metre wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policy 3.8 of the London Plan 2011 and the Council's SPD on Access for All.

- 20) All external entrance doors in the ground floor shopfronts hereby approved shall be designed and installed so that they only open inwards, and shall thereafter be retained in this form.

To ensure pedestrian flow is not unduly affected, in accordance with Policy TN5 of the Unitary Development Plan as amended in 2007 and 2011.

- 21) No external roller shutters shall be attached to the shopfronts at ground floor level on the Effie Road elevation.

To ensure a satisfactory external appearance, in accordance with Policies EN2, EN2B, EN8 and EN8D of the Unitary Development Plan as amended 2007 and 2011.

- 22) All new shopfronts shall be of timber construction.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2, EN2B, EN8 and EN8D of the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Core Strategy 2011.

- 23) The shopfront glass installed on the Effie Road frontage shall be clear and shall be permanently retained and not obscured in any way.

To ensure a satisfactory external appearance, in accordance with Policies EN2, EN2B and EN8D of the Unitary Development Plan, as amended 2007 and 2011.

- 24) No goods or equipment associated with the commercial floorspace hereby permitted shall be stored or kept external to the building.

To ensure a satisfactory external appearance, to prevent any adverse impact on pedestrian and highway users and road safety and to prevent harm to the amenities of neighbouring residential neighbours through noise and disturbance, in accordance with Policies EN8B and EN21 and of the Unitary Development Plan as amended in 2007 and 2011.

- 25) No part of the ground floor commercial floorspace shall be used or be occupied until provision has been made for the disposal of litter resulting from the proposed use, and such provision shall be in accordance with details first submitted and approved in writing by the Council.

To ensure an adequate provision for disposal of litter, in accordance with Policy EN21 of the Unitary Development Plan, as amended in 2007 and 2011.

- 26) Where new shopfronts are to be installed, detailed drawings in plan, section and elevation at a scale of no less than 1:20 to be submitted in writing for the Council's approval prior to construction commencing and built in accordance with the approved drawings.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2, EN2B, EN2C, EN8, EN8B and EN8D of the Unitary Development Plan, as amended 2007 and 2011 and Policy BE1 of the Core Strategy 2011.

- 27) No advertisements shall be displayed on or within the shop fronts on the Effie Road elevation, without details of the advertisements having first been submitted to and agreed in writing by the Council.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policies EN2, EN2B, EN8 and EN14 of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011.

- 28) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 29) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 30) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 31) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 32) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 33) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 34) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The scheme should make provision for:
- a) Evaluation to assess the presence and significance of archaeology
 - b) excavation to record any significant archaeological features, that cannot be conserved

- c) historic building recording prior to demolition/alteration as shown necessary by a site appraisal
- d) the assessment of the results, and proposals for their publication
- e) the publication of the results
- f) the deposition of the site archive

The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

To ensure that the archaeological heritage of the application site is properly investigated in accordance with PPG 16 and Policy EN7 of the Unitary Development Plan, as amended 2007 and 2011.

- 35) The development shall not commence before full details of the means by which wheelchair access is provided to the building and dwellings, have been submitted to and approved in writing by the council. Such details as approved shall be carried out prior to any use or occupation of the buildings or open spaces and thereafter permanently retained.

To ensure satisfactory access provision is made for people in wheelchairs in accordance with policy HO6 and TN4 of the adopted Unitary Development Plan, as amended 2007 and 2011 and the Council's SPD on Access for All.

- 36) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)

To prevent flooding by ensuring the satisfactory storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with PPS25 and policies 5.11, 5.13, 5.14 and 5.15 London Plan 2011.

- 37) No development shall commence until a fully detailed sustainability statement, incorporating an energy strategy, has been submitted to and approved in writing by the council. The approved details shall be carried out before any occupation of that part of the development to which the approved details relate and be retained in full working order for the lifetime of the development.

To ensure an energy efficient development to help reduce its carbon dioxide emissions, in accordance with Policies 5.2, 5.3, 5.6 and 5.7 relating to energy demand, energy efficiency and renewable energy of The London Plan 2011.

- 38) The development hereby permitted shall not commence until further details of the Sustainable Urban Drainage System (SUDS), including maintenance programme have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2011 and Policy CC2 of the Core Strategy 2011

- 39) The windows in the side elevation facing Effie Place hereby approved shall be designed and installed so as to be glazed with obscure glass up to a height of 1.7m from the internal floor level. A sample of the obscure glazing to be used shall first be submitted to and approved in writing by the Council, and no part of the extension shall be used or occupied prior to the installation of the obscure glazing in accordance with the approved details. The window shall thereafter be retained in this form.

So that the Council can be satisfied as to the details of the proposals, and to safeguard the existing amenities of the occupiers of the neighbouring property, in accordance with Standard S13.2 of the Unitary Development Plan, as amended 2007 and 2011.

Summary of reasons for granting planning permission:

- 1) 1) 1. Landuse: The proposed development is in accordance with the Council's aspirations for the area and the principle of redevelopment will make effective use of previously under-utilised land. The dwelling mix would be in accordance with PPS4, policies 2.18, 3.3, 3.4, 3.7, 3.10, 3.11, 3.12, 3.13 and 3.16 of the London Plan 2011 and policy HO6 of the Unitary Development Plan as amended 2007 and 2011 and policies H1, H2, H3 and CF1 of the Core Strategy 2011.
2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The proposal preserves and enhances the character and appearance of the adjoining conservation areas, heritage assets and locally listed buildings. The development would therefore be acceptable in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan as amended 2011 and policies EN2, EN2B, EN8 and EN25, of the Unitary Development Plan as amended 2007 and 2011 and policy BE1, of the Core Strategy 2011.
3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, loss of sunlight or daylight to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies EN10, HO6, EN8, EN20A, EN23, EN23B and Standards S5A.1, S5A.2, S7.1, S7A, S13.1, S13.2 and S13.3 of the Unitary Development Plan as amended 2007 and 2011, and policies H3 and OS1 of the Core Strategy 2011.
4. Transport: Subject to a satisfactory legal agreement there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Satisfactory provision would be made for cycle parking. Adequate provision for storage and collection of refuse and recyclables would be provided. The development would therefore be acceptable in accordance with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan 2011 and policies TN4, TN5, TN6, TN8, TN13, TN15 and TN21 and Standards S18, S19, S20, S21 and S23 of the Unitary Development Plan as amended 2007 and 2011 and policy T1 of the Core Strategy 2011.

5. Access: The development would provide a safe and secure environment for all users. The development would therefore be acceptable in accordance with Policy EN10 of the Unitary Development Plan as amended 2007 and 2011, and the Council's adopted supplementary planning document 'Access for all'.

6. Sustainability: The proposed development has been designed to meet the highest standards of sustainable design and construction. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The development would therefore be acceptable in accordance with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan 2011 and policies EN28A, EN29 of the Unitary Development Plan amended 2007 and 2011 and policies CC1, CC2, H3 and OS1 of the Core Strategy 2011.

7. Land Contamination: The application proposes that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with policy 5.21 of the London Plan 2011 and policy CC4 of the Core Strategy 2011.

8. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The development would therefore be acceptable in accordance with Planning Policy Statement (PPS) 25 and policies 5.11, 5.13, 5.14 of the London Plan 2011.

9. Planning Obligations: The application proposes that its impacts are mitigated by way of financial contributions to fund improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with policy 8.2 of the London Plan 2011, policy EN23 of the Unitary Development Plan as amended 2007 and 2011 and policy CF1 of the Core Strategy 2011.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 1st July 2011
Drawing Nos: see above

Policy Documents: The London Plan 2011
Unitary Development Plan as amended 2007 and 2011
Core Strategy 2011

Consultation Comments:

Comments from:
Thames Water - Development Control
Environment Agency - Planning Liaison

Dated:
29.07.11
09.08.11

Neighbour Comments:

Letters from:

59 Granville House Barclay Road London SW6 1EZ
21 Barclay Road London SW6 1EJ
21 Barclay Road London SW6 1EJ
59 Granville House Barclay Road London SW6 1EZ
NAG
Flat 1 Harwood Mansions Effie Road SW6 1TB
10 - 12 Effie Road London SW6 1TB
10 Broadway Mansions Effie Road London SW6 1EL

Dated:

27.07.11
02.08.11
19.08.11
18.07.11
18.07.11
02.08.11
03.08.11
09.08.11

OFFICERS' REPORT

1.0 BACKGROUND

Site

1.1 The application site (0.025 ha) relates to a triangular site on the south side of Effie Road, at the junction with Effie Place and is bounded to the rear by the Fulham Broadway underground railway line. The existing two storey commercial buildings are all currently vacant and comprise a former ground floor retail use with residential above along the Effie Road frontage and a derelict two storey class B8 (storage warehouse) building on the corner with Effie Place.

1.2 Immediately to the east, Nos.10-12 Effie Road is an adjoining two storey building within the application terrace, in use as a Class A3 restaurant (El Metro). To the north on the opposite side of the road are Barclay House (offices) and Broadway Mansions (retail on the ground floor with residential above) which are respectively three and predominantly four storey buildings. To the west on the opposite side of Effie Place are Nos 1 and 2 Effie Place which comprise two storey houses with accommodation at lower ground and roof level. Beyond that is a four storey Sheltered Housing scheme in Barclay Road. To the south the site adjoins the District Line railway and, beyond that, Eel Brook Common. The application premises are located within the Walham Green Conservation Area, adjacent to the Barclay Road Conservation Area, lies within the boundary of Fulham Town Centre, the London Underground Zones of Interest and with a Flood Risk Zone.

History

1.3 1970 - permission granted for change of use from shop to line type composing machine workroom ancillary to the existing printing works in Effie Place.

1988 - No.8 granted permission for change of use of ground floor of No.8 to restaurant as an extension to existing restaurant at 10 and 12 Effie Road.

1999 - application withdrawn for redevelopment by the erection of a four storey building comprising 12 residential units, together with the formation of 4 car parking spaces.

2000 - planning permission refused for the redevelopment of the site by the erection of a four storey building comprising 10 flats, together with the formation of 10 car parking

spaces on the grounds: adverse impact on retail vitality of shopping frontage; significantly in excess of the maximum permitted residential density; bulk, design and appearance is out of keeping with its surroundings and conservation area; loss of outlook and increased sense of enclosure; shortfall in off- street car parking provision, coupled with the loss of some 12 metres of existing on street car parking space and unacceptable layout and access to the proposed car parking.

2003 - permission refused for change of use of the ground floor of 8 Effie Road from retail (Class A1) to a restaurant (Class A3), for use in connection with the existing restaurant at 10-12 Effie Road; alterations to existing shopfront on the grounds of: loss of retail; expanded use would result in cumulative unneighbourly late night noise and disturbance and increase in the demand for on-street car parking spaces.

Proposal

1.4 The current proposal is for the partial demolition of existing building and the erection of a replacement part two, part three storey building with accommodation at roof level to provide 7 flats (3 x 1B; 2 x2B and 2 x3B) and A1 shop (42sqm) and replacement of folding windows to shopfront with fixed shopfront.

1.5 The existing two-storey commercial buildings (Class B8) are currently vacant and in very poor physical condition. The proposed demolition would involve the retention of part of the existing façade along Effie Road.

1.6 The proposal has been reduced from a total of 8 units to 7 units in order to ensure all the propose units meet the minimum floor areas for flatted development.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by way of a site notices and a press advert. In addition, individual notification letters were sent to neighbouring properties.

2.2 The application has generated 8 objection letters (including 2 duplicates) on the grounds of:

- potential complaints from future residential occupiers about the existing adjoining restaurant at Nos. 10 -12 Effie Road (El Metro);
- too many flats and would prefer office use;
- traffic generated by Class A1 use and
- noise and disturbance during construction

2.3 English Heritage has raised no objections to the proposals.

2.4 The Environment Agency has raised no objections to the proposals.

2.5 Thames Water has raised no objections.

2.6 London Underground has raised no objections.

2.7 The Metropolitan Police Crime Design Advisor has not responded to the consultation. (A condition would be attached to any permission requiring that the development meet Secure By Design standards - Condition 9).

3.0 PLANNING CONSIDERATIONS

3.1 The main issues are considered to be the acceptability of the proposal in land use terms, whether the proposal is of acceptable density, tenure and appearance, whether it is acceptable in terms of traffic and parking and its impact on amenities of surrounding occupiers.

POLICY

3.2 The main policy issues with this application are the principal of the loss of the warehouse and the acceptability of 7 self contained flats and the conservation related issues.

Loss of employment

3.3 London Plan Policy 4.4 'Industrial Land and Premises' is relevant to this application and allows change of use to residential where the existing premises can be deemed surplus to requirements. The current/existing use of the premises for B class uses ceased 6 years ago.

3.4 Core Strategy Policy LE1, is also relevant and seeks the retention of premises capable of providing continued accommodation for local services or significant employment unless:

1. Continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be satisfactorily demonstrated that the property is no longer required for employment purposes; or
4. an alternative use would enable support for essential public services and is otherwise acceptable.

3.5 In respect of the above, on Point 1 the applicants have indicated that the current use is not complimentary to the neighbouring residential area. Points 2 and 4 are not considered relevant to this application.

3.6 With regard to point 3, the applicants have provided a supply and demand analysis of the office floorspace which seeks to justify the loss of the B8 class accommodation. There is no specific marketing evidence provided to support the loss of the warehouse only an indication of the current demand for B8 use in the area. The main argument by the applicants is that the property is unsatisfactory for use and un-neighbourly. Without the marketing information the proposal could be considered contrary to Policy LE1 of the Core Strategy, together with London Plan Policy 4.4, unless officers agree that the demand for warehouse space as shown by the applicants is accurate and that continued use would indeed impact adversely on the residential area as stated in point 1 of policy LE1. In our view this property is clearly in disrepair and the fact that it has been vacant for 6 years is an indication that it is no longer in demand or viable for B8 use. On balance, officers are satisfied that the loss of the employment floorspace is acceptable

Housing

3.7 National Planning Policy Statement (PPS) 1 (Delivering Sustainable Development) requires local authorities to promote more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

3.8 PPS3 (Housing) emphasises the importance of increasing the delivery of homes and seeks to create mixed and balanced communities through encouraging the provision of a wide range of well designed housing (including affordable housing) to meet a variety of needs. Paragraph 41 sets a national target for 60% of new homes to be built on previously developed land. The document states that housing should be located in close proximity to community facilities, access to jobs, key services and infrastructure to assist in the creation of sustainable communities.

3.9 Policy 3.3 (Increasing London's Supply of Housing) of the London Plan sets minimum borough targets for housing provision up to 2021. The policy specifies a 10 year minimum target for LBHF of 6,150 dwellings, and an annual monitoring target of 615 dwellings. policy 3.4 (Optimising Housing Potential) requires new development to optimise the intensity of use of sites, taking into account the local context and character, design principles and public transport accessibility, consistent with the development density guidance that is provided in Table 3.2.

3.10 Core Strategy policy H1 (Housing Supply) reflects the guidance of the London Plan housing target and explains that one of the ways to address this, is by way of the development of Brownfield sites such as that proposed. Meanwhile policy HO6 of the LBHF UDP requires new residential development to provide a mixture of units to meet the needs of family and non-family households.

3.11 The proposal involves the provision of 7 new residential dwellings as part of a mixed use development with no affordable provision. The construction of these homes would contribute towards achieving the Borough's housing targets. As detailed in the Density section of this report, the proposed development is considered to optimise the use of the site. Accordingly, in addition to the compliance with the Core Strategy, the provision of housing on the site is considered to be consistent with the applicable London Plan policy guidance.

3.12 Further the proposed dwelling mix of 3 x one-bed, 2 x two-bed and 2 x three-bed represents a range of unit sizes, including the provision of larger family sized units. The dwelling mix is considered to meet the policy requirement for the provision of a range of unit sizes within new development. This mix would provide for a type of development appropriate to the location in line with Core Strategy Policy H4 (Housing Need).

3.13 The number of residential units proposed is below the threshold of 10 for which affordable housing is required under London Plan Policy 3A.11 (affordable housing thresholds). Although this site does not propose 10 or more units, there is a requirement to consider whether there is any capacity for 10 or more units, applying the density guidance set out in policy 3.4 (maximising the potential of sites) and table 3A.2.

Residential Density

3.14 Policy H3 (Housing Quality and Density) of the Core Strategy LBHF requires that all housing development to respect the local setting and context, provide a high quality residential environment, be well designed and energy efficient in line with the requirements of the Code for Sustainable Homes, meet satisfactory internal and external space standards, and (subject to the size of scheme) provide a good range of housing types and sizes. Acceptable housing density will be dependent primarily on an assessment of these factors, taking account of London Plan policies and subject to public transport and highway impact and capacity.

3.15 Policy 3.4 (Optimising Housing Potential) of The London Plan seeks to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 (Sustainable residential quality and residential density matrix) which takes into account local context and character, design principles and public transport capacity. Development proposals which compromise this policy will normally be resisted.

3.16 The site is located in Public Transport Accessibility Level (PTAL) 5 using Transport for London's methodology, indicating that it has a good level of accessibility by public transport. According to the London Plan density matrix, the site which is within the Fulham Town centre is considered to be set in an central area with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. This location would support a density of between 650 and 1100 habitable rooms per hectare (Hrh).

3.17 The proposed development site comprises 0.027 hectares (of which 0.022 would be for residential use) and would have a total of 20 habitable rooms which would result in a residential density of 900 hr/ha. A development of this quantum falls within the higher end of the acceptable density range in the London Plan density matrix (PTALS 4-6). Although an additional three-bed unit with (4 habitable rooms) would result in a level of density (1,036 hr/ha) just below the acceptable maximum, the total number of units (7) would still be below the threshold of 10 units. Officers therefore consider that it would not be appropriate to include further units within the proposed development in order to meet the affordable housing threshold. On this basis it would be unreasonable to require the provision of affordable housing in this case.

Retail

3.18 Core Strategy Policy C identifies Fulham Town Centre as one of three major centres within the borough supported by 4 key local centres, 16 neighbourhood parades and 6 satellite parades. This policy seeks to direct economic development to these centres and to sustain the vitality and viability of the hierarchy. In Fulham, the priority is to regenerate the northern part of the centre, which is run down and in need of significant new investment, by the provision of more and improved shopping. The focus for Fulham town centre is shopping and local services, and leisure activities that do not have adverse impacts on surrounding residential areas. In all three borough town centres the aim is to encourage diversity and distinctiveness in the shopping mix to ensure a good range of shop types with independent as well as national traders. All retail proposals should be of an acceptable scale and appropriate impact for the existing hierarchy.

3.19 Policy TC3 of the UDP (Other Retail Premises Outside Prime Retail Frontages) states that changes out of A class in non-prime retail frontage premises will not be permitted except for uses which can be shown to be complementary to the shopping frontage and maintain or increase the vitality and viability of the town centre. Policy C1 (Town and Local Centres) of the draft Development Management Development Plan Document (DM DPD) 2011 builds on UDP policy TC3, promoting vibrant and attractive town centres. This policy aims to enhance the viability and vitality of the town centres and to ensure a range of accessible shopping provision to meet the needs of local residents, workers and visitors by seeking a mix of retail units in major developments, including some smaller units suitable for small or independent traders; promoting the provision of shop mobility schemes; and managing the ground floor uses in these centres. The shopping frontages, defined as prime and non-prime retail frontages have been retained under Policy C1 as it is considered appropriate to continue the approach of controlling the amount of class A1 retail and non-A1 businesses by limiting the amount of frontage that can be in non-retail uses. This has proved to be a workable management tool in the past and one that allows some flexibility for change of use within the frontages.

3.20 In this case, the site lies within a non-prime retail frontage in the Fulham Town Centres and the proposed unit would provide retail floorspace (42 m²) for more specialist retailers, retailers who cannot afford prime location rents but sell goods appropriate to the town centre and would provide an active frontage in this town centre location.

DESIGN and ACCESSIBILITY

Policy

3.21 The overall aim of PPS1 (Delivering Sustainable Communities) is the achievement of sustainable development, to be achieved by various means including the delivery of high quality development through good and inclusive design. PPS1 makes clear that design that is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. PPS5 (Planning for the Historic Environment) sets out the principles and guidance necessary for the assessment of the impact of development on heritage assets. It promotes the conservation of heritage assets.

3.22 London Plan policy 7.1 requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. Policy 7.2 requires that new development embraces the principles of inclusive design. Policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment.

3.23 Policy 7.4 of the London Plan requires that new development responds to the surrounding setting and provides a human scale and relationship with street level activity and is informed by the historic context. Policy 7.5 requires the provision of high quality public realm that is comprehensible at a human scale. Policy 7.6 requires development to be of high architectural quality that is of a scale that is compatible with the surrounding area that makes a positive contribution to the immediate, local and wider area. Policy 7.8 of the London Plan requires that development respects affected

heritage assets by being sympathetic to their form, scale, materials and architectural detail.

3.24 The UDP has the following policies that are of relevance: Policy EN2 and EN2B (conservation areas), EN2C (facadism) and EN8 (design of new development).

3.25 Core Strategy policy BE1 requires that all new development creates a high quality, accessible, urban environment that respects the surrounding setting, including heritage assets.

3.26 Policy EN8 of the UDP relates to the design of new development and states that 'Development will not be permitted unless it is of a high standard of design and compatible with the scale and character of the existing development and its setting'. Schemes must be formulated to respect the historical context of the area and its sense of place, the scale, mass, form and grain of the surrounding development, relationship to the existing townscape, rhythm and articulation of frontages, local building materials, sustainability objectives and the principles of good neighbourliness. Policy G1 of the draft Development Management Development Plan Document (DM DPD) 2011 builds on policy EN8 of the UDP and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting.

3.27 Policy EN2 and EN2B states that development, including development outside conservation areas, will only be permitted if the character or appearance of the conservation area in terms of their setting and views into and/or out of them is preserved or enhanced.

3.28 Policy EN2C (Facadism in Conservation Areas) states that development proposals that retain only the facades of existing buildings in conservation areas will not be permitted unless: the remaining fabric of the building is no longer capable of beneficial use and is beyond repair; the development would preserve or enhance the character or appearance of the conservation area; the redevelopment fully integrates the retained facade within the design, use and appearance of the building; the floor levels and internal subdivision of the building reflect the scale, design and proportions of the façade when viewed from the street during the hours of daylight and darkness with particular regard to the effect of light from both internal and external sources. The complete demolition of a building behind the façade will require Conservation Area Consent and is generally discouraged. However where the façade of the building is an important element in the townscape and contributes to the character of the conservation area, and there are no alternatives to safeguard the future of the building, and consequently the streetscape, this type of development will be considered having regard to the policy criteria.

Existing Townscape Context

3.29 The existing buildings form part of a larger block dating from early 20th Century on a roughly triangular shaped site facing Effie Road, Effie Place and the underground railway to the rear. The existing buildings were constructed for the District Railway on land beside the underground after 1904, for a mix of commercial and residential uses. The site comprises two distinct elements.

3.30 The first element at No.4 Effie Road is a two storey vacant commercial building originally in use as a printers. The building comprises a London stock brick built façade with a pitched slate roof and gable end fronting Effie Road and a simpler façade with Fletton bricks along Effie Place. The building shows evidence of considerable alteration including the unsympathetic blocking up of the door to Effie Place and an insensitive installation of a wide opening and roller shutter to Effie Road.

3.31 The second element at No. 6-8 Effie Road is a vacant two storey building with a shop unit at ground floor and shared residential accommodation above. This element forms part of a larger terrace of similar design that extends along Effie Road and turns the corner across the railway line to Eel Brook Common. The two storey building includes a ground floor timber shop front with a roughcast brick rendered first floor and pitched concrete tiled roof with chimney. The rear elevation of the existing buildings faces the railway line and is built on top of the retaining wall of the District Line.

3.32 The common form of building in the area is of brick construction of between two and three storeys. To the west of the site are two, two storey houses with lower ground floors, whilst to the rear of these is a four storey sheltered housing scheme in Barclay Road. Both of these are of brick construction. To the north is a three storey brick building with commercial premises on the ground floor and two storey of residential above. A larger office development in brick exists further along Effie Road on the north side, known as Barclay House, although this is not part of the established pattern of development within the street.

3.33 Although the buildings are not listed or included on the Council's local list of buildings of merit, the elevation fronting Effie Road makes a contribution to the townscape role in terminating the local view south west from Fulham Road across Harwood Road towards Effie Road which forms part of the Walham Green conservation area. This part of the conservation area is characterised by an eclectic mix of buildings of varying styles, forms, scales, heights and plot sizes and is also adjacent to the Barclay Road conservation area which lies to the west.

Design Response

3.34 The proposal involves the substantial demolition of the existing buildings which are in very poor physical condition and the retention and enhancement of the existing façade to Effie Road. The applicant has commissioned a number of structural surveys of the existing buildings and these provide clear evidence that many of the floors are unsafe and it would not be feasible to return the buildings to commercial or residential use without the buildings being restored and strengthened and the cost of such works would be prohibitive.

3.35 Overall, the existing buildings make a neutral contribution to the significance of the Walham Green Conservation Area. While the Effie Place frontage and rear elevation fronting the railway line make no architectural contribution, officers consider that the existing frontage to Effie Road makes some contribution to the street scene as it forms part of a larger terrace with a townscape view into this part of the conservation area. In this case, it is considered that the complete demolition of the buildings behind the façade is acceptable because the façade although neither listed nor locally listed forms an important element in the townscape and contributes to the character of the

conservation area, and there are no alternatives to safeguard the future of the building, and consequently the streetscape.

3.36 The retained existing façade would also be improved to enhance its appearance. The existing ground floor shop frontage would be altered to include replace timber folding windows with a fixed glass shop window. The roof of the retained existing façade along Effie Road would be re-built to the same shape, make use of the materials to match existing and include reinstated brick chimney stacks which would complement the corresponding similarly designed features on the adjoining property at Nos 10-12 Effie Road within the same application terrace. The unsympathetic opening and roller shutter would be removed from the front gabled façade on the corner and be replaced with three glazed windows of traditional design within a brick opening that would be in keeping with the scale and proportions of the existing adjacent shopfront. This façade would also include the reinstatement of a series of three windows at first floor level.

3.37 The Effie Place elevation re-establishes a traditional regular rhythm of bays and window openings. The design includes well detailed matching brickwork and bonding with traditional cambered brick arches to window openings that include metal casements with glazing bars inspired by the industrial architectural character of this part of existing building and would complement that of the retained gable façade fronting Effie Road. The corner building would be altered to include a traditional mansard roof that would be clad in slate with integral lead covered dormer windows to Effie Place aligned with the fenestration of the floors below. The proposed roof would appear subservient as it would be set back behind a simple brick eaves along Effie Place and sits comfortably behind the prominent gable roof on the Effie Road frontage.

3.38 The new built form on the south corner of the site would include steps down to create a series of terraces at first, second and third floor levels, to create amenity space for the residents. Apart from an enclosed glazed terrace for amenity space at third floor level, the boundary facing the railway line would include a largely blank brick wall which would screen the site from the adjacent railway line.

3.39 The proposed development is essentially a replacement of the existing building with a building of similar mass involving the retention of the existing façade along Effie Road with an additional mansard floor at roof level along Effie Place. The design, scale, massing and materials of the proposed development would respect the existing setting of the development. Officers consider that the proposed integration between new and existing buildings would both repair and make a positive contribution to the established character and appearance of the street scene in this part of the conservation area.

Heritage

3.40 PPS5 (Planning for the Historic Environment) provides advice on identifying heritage assets and assessing the effect that a development will have on the significance of those assets and their settings. It promotes the conservation of heritage assets and encourages opportunities to better reveal their significance by enhancing their setting. Policy HE9.1 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Policy HE9.5 states that not all elements of a Conservation Area will necessarily contribute to its significance and that where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of

enhancing the Conservation Area including where appropriate through the development of that element.

3.41 The site lies within the Walham Green Conservation Area and within the setting of the Barclay Road Conservation Area to the north both of which are designated heritage assets. The heritage significance of the site relates principally to its role in the townscape as part of a terrace since apart from the frontage to Effie Road the existing buildings are of no architectural merit. The buildings are currently in poor condition and no longer fit for purpose due to major structural issues, water leakage and general building decay. The proposals would enable the façades to Effie Road which do contribute positively to the significance of the Conservation Area to be preserved and repaired in accordance with policy HE9 of PPS5 and Policy EN2C of the UDP.

3.42 The character and appearance of the Walham Green Conservation Area and the setting of the Barclay Road Conservation Area would be preserved in accordance with Policies HE9 and HE10 of PPS5 and UDP Policies EN2 and EN2B.

Standard of Accommodation

3.43 Policy 3.5 of the London Plan requires new residential development to provide a high quality living environment internally. Table 3.3 of this policy specifies unit sizes for new development. A caveat is included within the policy stating that development that does not accord fully with the policy can be permitted if it exhibits exemplary design and contributes to the achievement of other policy objectives.

3.44 Policy 3.8 of the London Plan requires new residential development to be built to lifetime homes standards, with ten percent of units designed to be wheelchair accessible or easily adaptable to this standard. Policy 7.3 advises that new development should seek to create safe, secure and appropriately accessible environments.

3.45 Policy EN10 of the requires new development to create a safe and secure environment. Policy HO6 requires, among other matters, 10% of new residential units to be designed to be suitable for occupation by wheelchair users. Standard S7A specifies minimum internal floorspace standards for new residential units. Standard S5 states that ground floor family and non family dwellings should have at least 36m² and 14m² respectively of amenity space.

3.46 Policy H3 of the Core Strategy requires new residential development to provide high quality living conditions for future occupiers. Policy H4 in the Core Strategy 2011 requires all new-build homes to be to lifetime homes standards with 10% to be wheelchair accessible

3.47 All of the proposed units have been designed to exceed the minimum dwelling size requirements outlined in Standard S7A of the UDP, exceed the minimum dwelling size requirements of Table 3.3 of the London Plan and provide satisfactory private amenity space for each dwelling. The proposed one-bed (46 -54 m²), two-bed (65 -78 m²) and three-bed (122 m²) flats would have generous internal floor areas. Due to the physical constraints of this relatively small site it is not practicable to provide amenity space for each of the proposed dwellings - amenity space is therefore provided for four of the proposed units with at least 5 m² in area.

3.48 Given the restricted nature and awkward shape of the site, the room layouts are constrained by this and by the retained fenestration. The proposal includes 2 duplex units situated at ground and first floor level in order to comply with the Environment Agency's flood risk advice. In this case, the wheelchair accessible homes requirement is not practicable, and local 'Access for All' guidance to achieve access to all lifetime home units 'in smaller blocks' will apply with a lift at least 900mm x 1250mm in place of the more spacious lift that is required by lifetime homes flats in larger blocks. Where practicable all of the proposed units have been designed to comply with Lifetime Homes principles. A condition would be attached to ensure that these details are submitted and approved (Condition 35).

3.49 In accordance with the provisions of the Equality Act 2010, the Council needs to have due regard for the potential of the proposal to affect the various needs of protected 'characteristics' and groups. In keeping with these objectives, the following are examples of increased opportunities for accessibility by all groups; increased disabled/wheelchair access throughout the site, all units to be built to Lifetime Homes standards; and provision of substantial public realm within the site. The scheme would not be designed in such a way to exclude or have any detrimental impact on any groups in society and therefore it is considered that the proposed development would not contravene the Act.

3.50 Overall, it is considered that the standard of accommodation will give rise to an internal living environment that will satisfactorily meet policy and emerging policy requirements. The current design approach has been a response to the various comments made throughout the pre-application and application processes involving Council officers. The scheme generally complies with the relevant policies and guidance, all of which require a high standard of design.

Residential Amenity

3.51 Policy EN8 of the UDP outlines that development should respect the principles of good neighbourliness and ensure that new developments are designed so that the amenities of existing residential properties are not unacceptably harmed. Standards S13.1, S13.2, S13.2a and S13.3 provide guidance on loss of outlook, loss of privacy to neighbouring properties, noise and disturbance, and the aspect for future occupiers arising from new development.

3.52 Under Standard S13.1 where a development does not breach a general standard of 45 degrees from a 2m height on the boundary from adjoining residential property (or ground level with rear gardens of less than 9m) the development would not have an overbearing impact in terms of outlook. If any part of the building extends beyond this line then on site judgement will be the determining factor in assessing the effect on existing amenities. In this case, the massing and height of the proposed building across the site is very similar to the existing building - the only significant difference is that the corner commercial building will include a mansard roof that is set of the boundary away from the nearest residential properties Nos 1 and 2 Effie Place. Although, the proposed 'additional floor' would just breach a 45 degree line from the ground level front elevation of Nos. 1 and 2 Effie Place and this technical infringement is modest and following a site visit it is considered that the development would not result in any material harm to the amenities of adjoining residents to warrant the refusal of planning permission. The proposal accords with Standard S13.1 of the UDP which seeks to protect outlook.

3.53 The elevation fronting Effie Place would include a number of windows which serve habitable rooms. Although these are within 18m of the opposing habitable rooms in the front elevation of Nos. 1 and 2 Effie Place, the windows have been designed to be obscure glazed and fixed shut up to a height of 1.7m to prevent overlooking and this would be secured by condition 39. The proposed terraces would be situated away from Nos. 1 and 2 Effie Place and would not result in any overlooking to neighbouring residential occupiers. The proposed development would therefore accord with Standard S13.2 which seeks to protect privacy and overlooking.

3.54 The 'stepped' balconies to the rear and at third floor level of the proposed development would overlook the railway and where they occur would be restricted in size. It is not considered that the resulting space would be useable floorspace and their use would not give rise to noise and disturbance to warrant withholding planning permission. In this respect the proposal would accord with S13.2a of the UDP.

3.55 In considering the protection of adequate daylight and sunlight to existing buildings, the Council has had regard to EN8 in respect of neighbourliness and the guidance set out in Building Research Establishments' (BRE) Report 1991 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice. When compared to the existing situation the proposed building although increased in height has been set back along its boundaries to minimise the impact of the development on the opposing residential development.

3.56 Daylight analysis has been carried out which demonstrates that the development would have no significant adverse daylight impact on the amenities of the closest residential buildings ant Nos 1 and 2 Effie Place (two storey residential properties with accommodation at basement and roof level). No 1 Effie Place is in use as single family dwelling and all of the habitable windows and rooms facing towards the site comfortably satisfy both the Virtual Sky Component and Daylight Distribution guidelines. Similarly No.2 Effie Place which is in use as three flats and all of the habitable windows and rooms facing the site would comply with Virtual Sky Component and Daylight Distribution guidelines.

3.57 In respect of sunlight analysis. Nos 1 and 2 Effie Place each have one window in the bay window at basement and ground floor levels that faces towards the site and is within 90° due south which have been tested for sunlight. The basement windows currently receive no annual or winter sunlight and would be unaffected by the proposed development. The ground floor windows will comfortably satisfy the annual and winter sunlight guidelines.

3.58 Standard S13.3 states that no dwelling should have all of its habitable room windows facing exclusively in a northerly direction. With the exception of one 1-bed room unit on the second floor, none of the proposed flats would be exclusively north facing. Given the physical constraints of the site and the proposed retention of the front façade which would make a positive contribution to the street scene within the conservation area, it is considered that the proposed layout is considered acceptable in these circumstances.

3.59 In summary, the proposal would not result in surrounding properties experiencing any significant undue loss of amenity in terms of overlooking/privacy or increased sense of enclosure. The proposal would therefore comply with EN8 and Standards S13.1, S13.2 and S13.3 of the UDP.

TRANSPORT

3.60 PPG13 (Transport) expects better integration between planning and transport and promotes accessibility by public transport, walking, cycling instead of the private vehicles.

3.61 Policy 6.1 of the London Plan sets 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 policy also provides guidance for the establishment of maximum car and cycle parking standards. Policy 6.3 of the London Plan requires applications for new development to detail the impacts on transport capacity and that any development does not compromise highway safety. Policy 6.9 seeks to facilitate an increase in cycling in London and requires that new development provides for the needs of cyclists.

3.62 London Plan Policy 6.10 seeks an increase in walking in London through the provision of high quality pedestrian environments. Policy 6.11 seeks a coordinated approach to smoothing traffic flow and tackling congestion through a range of sustainable development principles, public transport improvements and corridor management. Policy 6.13 of the London Plan states the objective for promoting new development while preventing excessive car parking provision, and states that new development should accord with the London Plan car and cycle parking standards. The policy also requires that 20% of car parking spaces provide an electrical charging point and that the delivery and servicing needs are met.

3.63 Policy TN4 of the UDP requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policies TN5 and TN6 require that the design and layout of development provides for the needs of pedestrians and cyclists respectively. Policy TN8 sets out the Borough's road hierarchy and the restrictions on development within this hierarchy. Policy TN13 states that the arising traffic generation of development will be assessed along with the contribution to traffic congestion. Policy TN15 requires new development to accord with the car parking standards set out in the Plan. Policy TN21 advises that development will be required to contribute to public transport where necessary due to resulting impact on services.

3.64 UDP Standard S18 requires compliance with the Council's car parking standard except in exceptional circumstances and requires car parking spaces for commercial uses to be provided within a site. Standard S19 provides detailed guidance on expectations for the overall layout of a car parking area and the dimensions of each space. Standard S20 requires the provision of cycle parking and necessary complementary facilities to meet the needs of cyclists.

3.65 Core Strategy policy T1 seeks improvement to the opportunities for walking within the Borough and localised highway improvements to reduce north-south congestion in the Borough and requires that new development secures access for all persons and provides appropriate car parking provision to meet the essential needs of the development without impacting on the quality of the urban environment. The council's draft Development Management DPD is currently the subject of public consultation. The policies contained therein are proposed to replace the remaining extant policies in the UDP. By and large, the transport policies are the same as those currently in the UDP. Policy J1 requires a transport assessment and a travel plan in certain

circumstances. Policy J5 encourages the use of cycling and walking and in terms of cycle parking requires a greater number of spaces than both the UDP and London Plan. The relevant policies in the Development Management DPD will be a material consideration to which regard must be had in considering the application. Once it has been adopted, it will replace a number of UDP policies and form part of the council's development plan. As it is still a draft document at an early stage of the adoption procedure and will not be adopted until after an independent examination, it does not lend itself considerable weight. Nonetheless, officers consider that the proposal also accords with the relevant transport policies mentioned above. The proposal accords with the relevant provisions of the UDP and London Plan and the emerging DM DPD.

Car and Bicycle Parking

3.66 The proposal is a 'new build' and as such under Policy TN15 would normally be required to provide 5 parking spaces in accordance with standards S18 to S19 of the UDP. Although no off-street car parking spaces are proposed as part of the application, the site has a PTAL score of 5 using Transport for London's methodology, indicating that it is very accessible by public transport. As long as the applicant has agreed to a car permit free development for the proposed seven residential units the proposal there would be no transportation objections to the proposals. The applicant has agreed to this and in this respect the proposals are considered satisfactory. This would be secured through a s106 legal agreement.

3.67 The proposals include the provision of 8 cycle spaces and this level of provision is considered satisfactory. This would be secured by condition 15.

Refuse and Recycling

3.68 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Core Strategy Policy CC3 advises that the Council would pursue sustainable water management. UDP Policies EN17 and HO14 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. Policy H5 of the draft DM DPD requires developments to include suitable facilities for waste management. The proposals include the provision of refuse storage and recycling facilities at ground floor which would be accessed from the Effie Road frontage. The location and operation of this would be conditioned so that it accords with 'The Storage of Refuse and Recyclables, Supplementary Planning Document'.

Servicing

3.69 Servicing is proposed from Effie Road. In order to, safeguard the amenity of local residents a Servicing Management Plan for the development would be secured via the Section 106 Agreement

Demolition and Construction Phase

3.70 A Construction Logistics Plan will be required in accordance with Transport for London (TfL) requirements. This would seek to minimise the impact of demolition and construction traffic on nearby roads and restrict construction trips to off peak hours only. A condition would be attached to secure this (Condition 3).

3.71 The construction of the development may lead to damage to the existing footway and vehicle crossover. The applicant has agreed to enter into a Section 106 Agreement to fund any necessary remedial works to the footway.

3.72 Overall in terms of transport, officers consider that the proposal will comply with policy.

Energy

3.73 PPS22 (Renewable Energy) sets out the Government's target of reducing carbon dioxide emissions by 60% by 2050 through improved energy efficiency measures and the use of renewable energy. The London Plan energy policies set out the lean, clean, green hierarchy approach to building design and the related strategic targets.

3.74 London Plan policy 5.1 states the target to achieve a 60% reduction in London's CO2 emissions by 2025. Policy 5.2 advises that the policy 5.1 target should be achieved through planning decisions by using less energy, supplying energy efficiently and using renewable energy (lean, clean, green), and specifies CO2 reduction targets for new development, progressively increasing to zero carbon development between 2016 and 2031. Policy 5.3 requires the highest standards of sustainable design and construction to be employed throughout London addressing CO2 emissions, urban heat islands, efficient use of natural resources, minimising pollution, minimising waste, avoidance of natural hazards including flooding, ensuring the development is comfortable for users, securing sustainable materials and local supplies and promoting and protecting biodiversity.

3.75 Policy 5.6 of the London Plan encourages the use of decentralised energy (combined heat and power systems) in new major development. Policy 5.7 seeks the incorporation of renewable energy generation in new development to assist in the reduction of CO2 emissions. Policy 5.8 supports the use of innovative alternative energy technologies to reduce the use of fossil fuels and CO2 emissions. Policy 5.9 seeks to reduce the impact of the urban heat island effect in London and encourages new development to incorporate places and spaces that assist in preventing overheating, and provides a cooling hierarchy of measures that major development should follow to minimise internal heat generation and effects.

3.76 Core Strategy Policy CC1 states that the Council will reduce emissions and tackle climate change through ensuring that new development minimises energy use, uses energy from efficient sources and uses renewable energy where feasible, and through meeting London Plan reduction targets. In accordance with London Plan policy 5.2, an Energy Assessment has been submitted to show the expected energy demand and associated CO2 emissions of the development and to outline the CO2 reduction benefits of the various sustainable energy efficiency measures to be integrated.

3.77 Details of the energy efficiency measures to be used to reduce energy use and CO2 emissions have not been provided, to show that building components such as walls /floors /windows and roofs will be specified to higher insulation standards than required by the Building Regulations, the construction will have high 'air tightness' levels to reduce heat loss but still provide adequate ventilation, energy efficient lighting will be installed, the mechanical ventilation system will operate with heat recovery where appropriate, white goods appliances and other components such as fans, pumps etc will be energy efficient. An appropriate condition will be attached (Condition 37).

Sustainability

3.78 Policy H3 of the Core Strategy requires new housing development to be well designed and energy efficient in line with the requirements of the Code for Sustainable Homes. A Code for Sustainable Homes assessment has been submitted which shows that the development is expected to meet level 4 of the Code (on a scale of 1-6, where 6 is the most sustainable). As well as the sustainable energy measures outlined above, other measures that will be integrated to boost the development's sustainability performance include: the use of water efficient appliances to reduce potable water use, the installation of a rainwater collection system for external irrigation, use of building materials with low environmental impacts that have been responsibly sourced (e.g. sustainable timber), space will be provided for waste and recycling, including internal storage space, ecology of the site will be enhanced, waste will be minimised during demolition/construction and a Considerate Constructors Code will be used to minimise impacts and low emission CHP/gas boilers will be installed. Sustainability measures will be submitted prior to commencement of development and will be outlined in a Sustainable Design and Energy Statement which would be conditioned (Condition 37).

Flood Risk

3.79 Flood Risk Assessment (FRA) has been carried out as required. The site is in the Environment Agency's (EA's) Flood Risk Zone 3 which indicates a high probability of flooding; however this is the risk without any flood defences in place. In reality, the Thames Barrier and river wall defences provide a high level of protection. Breaches or failures of these defences could occur and these scenarios have been assessed but show that the site would be at low risk. The information submitted indicates that the site can be defended to a 1 in 1000 year standard by the River Thames tidal defences. In the unlikely event that the tidal defences are breached the ground floor units are liable to 0.827m flooding above their finished floor level in the event of a breach of the flood defence wall. Although, the residual risk from river flooding is considered to be low and the use of the site for residential development is acceptable. Ground floor accommodation is included, but bedrooms will not be located at this level and internal access will be provided to higher floors in case there is any need to evacuate due to flooding. A Strategic Flood Risk Assessment for the Borough shows that the application site is outside the area at risk of flooding in the event of the Thames Barrier failing and the flood defence walls being overtopped although within the area at risk when an allowance is made for climate change and sea level rise. The FRA proposes a number of mitigation measures and secondary flood defences to address this risk, including the raising of thresholds and windows. The Environment Agency has no objections to the proposed development on the grounds that the technical information within the FRA sufficiently portrays the flood risk at the site. While Thames Water have no objection to the proposal.

Sustainable Urban Drainage Systems (SUDS)

3.80 PPS 1 (Delivering Sustainable Development) and PPS 25 (Development and Flood Risk) aim to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new developments are necessary in such areas, PPS25 seeks to make it safe, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

3.81 London Plan policy 5.11 supports the provision of green roofs within development to assist in sustainable urban drainage systems. Policy 5.12 states that new development must comply with the flood risk assessment and management requirements of PPS25. Policy 5.13 of the London Plan states that development should incorporate sustainable urban drainage systems and specifies a drainage hierarchy for new development. Policy 5.14 of the London Plan states the requirement for development proposals to ensure the provision of adequate wastewater infrastructure to meet the related needs. Policy 5.15 seeks the conservation of water resources through, among other matters, minimising water use and promoting rainwater harvesting.

3.82 Policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 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.

3.83 The current site is entirely covered in hard-standing or impermeable surfaces, meaning that all surface water run off is currently directed into the local combined sewer network. A condition would be attached to any permission to ensure that satisfactory details of the proposed SUDS are submitted (Condition 38).

Noise

3.84 PPG 24 (Planning and Noise) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. UDP policy EN20B states that noise and associated vibration can affect and have a direct impact on noise sensitive users, particularly housing. Existing and proposed noise levels will be taken into account when assessing a proposal for residential development. Policy H9 of the draft DM DPD requires development to implement noise mitigation measures when necessary.

3.85 The construction period of the development is likely to give rise to the most significant noise and vibration impacts on surrounding properties. In terms of operational noise, the development will generate vehicular movements in the directly adjoining streets; however this is not expected to have a significant impact upon the area. The Council's Pollution Control Team has no objection to the proposal, subject to conditions (Conditions 10, 11 and 12).

3.86 The overall noise impact is considered by officers to meet policy requirements.

Contamination

3.87 Policy 5.21 of the London Plan states the support for the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development. Policy CC4 of the Core Strategy states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Policy H7 of the draft DM DPD requires effective measures to treat, contain or control contamination and policy H11 builds on UDP policy EN20A(i).

3.88 The Council's Environmental Quality Team has advised that potentially contaminative land uses, past or present, are understood to occur at, or near to, this

site. In order 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 EN20A and EN21 the conditions would be attached to any permission requiring the assessment of contaminated land to be carried out (Conditions 28 to 33 inclusive).

Archaeology

3.89 The site is located adjacent to a designated archaeological priority area. PPS5 (Planning for the Historic Environment) advises on identifying heritage assets and assessing the effect that a development will have on the significance of those assets and their settings. It promotes the conservation of heritage assets and encourages opportunities to better reveal their significance by enhancing their setting.

3.90 London Plan policy 7.8 advises that development should incorporate measures that appropriately address the site's archaeology. LBHF UDP policy EN7 states a presumption against proposals which would involve significant alteration of, or cause damage to, Archaeological Remains of National Importance and advises that the loss of archaeological value must be outweighed by the need for the development. The policy advises that archaeological study of application sites will be required before approval. Core Strategy Policy BE1 advises that new development should respect and enhance the historic environment of the Borough, including archaeological assets.

3.91 Conditions would be attached to secure a programme of archaeological work in accordance with a written scheme of investigation (Condition 34).

3.92 Overall in terms of archaeological impact, officers consider the proposal will meet policy requirements.

PLANNING OBLIGATIONS

3.93 CIL Regulations (2010) states that in dealing with planning applications, 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.

3.94 London Plan policy 8.2 recognises 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. Core Strategy policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.

3.95 In accordance with Section 106 of the Town and Country Planning Act 1990 (As Amended) the applicant has agreed to enter into a legal agreement. The Legal Agreement will include:

- The entire residential development to be Car Permit Free and
- Service Management Plan
- repairs to highway following any damage during construction works

4.0 RECOMMENDATION

4.1 That the application is approved subject to the completion of a legal agreement under Section 106 of the 1990 Act and Section 278 Agreement (and other appropriate powers) and the conditions outlined above.

Ward: Town

Site Address:

4 - 8 Effie Road London SW6 1TB



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For identification purposes only - do not scale.

Reg. No:
2011/02034/CAC

Case Officer:
Roy Asagba-Power

Date Valid:
06.07.2011

Conservation Area:
Walham Green Conservation Area - Number 14

Committee Date:
11.01.2012

Applicant:

Bonminster Ltd
c/o Agent

Description:

Partial demolition involving retention of the facades to 4-8 Effie Road.
Drg Nos:

Application Type:

Conservation Area Consent

Officer Recommendation:

That the application be approved subject to the condition(s) set out below:

- 1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

- 2) The demolition hereby permitted shall not be undertaken before:
 - (i) a building contract for the redevelopment of the site in accordance with planning permission reference 2011/02033/FUL has been entered into;
 - (ii) notice of the proposed demolition, in writing, and a copy of the building contract has been submitted to the Council, and;
 - (iii) details of all matters which require prior approval pursuant to planning permission reference 2011/02033/FUL before the commencement of the development have been submitted to and approved in writing by the Council.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with policy EN2, EN2B and EN2Cof the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Councils Core Strategy 2011.

- 3) No demolition shall commence prior to the submission and approval in writing by the Council of details of a scheme for the temporary fencing and/or enclosure of the site, and the temporary fencing/means of enclosure has been constructed in accordance with the approved details.

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harms to the street scene, in accordance with policy EN2, EN2B, EN2C and EN8 of the Unitary Development Plan, as amended 2007 and 2011, and Policy BE1 of the Councils Core Strategy 2011.

Summary of reasons for granting conservation area consent:

- 1) The proposed demolition is considered to be acceptable on the basis that planning permission exists for a satisfactory redevelopment scheme. Accordingly, it is not considered that the demolition would have an unacceptable impact on the character

or appearance of the conservation area, in accordance with Policy EN2, EN2Band EN2C of the Unitary Development Plan, as amended 2007 and 2011 and Policy BE1 of the Core Strategy.

2)

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

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 1st July 2011

Drawing Nos: see above

Policy Documents: The London Plan 2011
Unitary Development Plan as amended 2007 and 2011
Core Strategy 2011

Consultation Comments:

Comments from:
English Heritage London Region

Dated:
30.08.11

Neighbour Comments:

Letters from:

Dated:

For joint report see 2011/02033/FUL.

Ward: Shepherd's Bush Green

Site Address:

Apex Court 1 Woodger Road London W12 8NW



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Reg. No:
2011/02675/FUL

Case Officer:
Raj Satheesan

Date Valid:
02.09.2011

Conservation Area:

Committee Date:
11.01.2012

Applicant:

GLE Property Developments Ltd And Pocket
c/o agent

Description:

Extension at roof level to existing office building, re-use as residential and erection of a new three storey detached building to the rear; to provide 30 flats (24 intermediate and 6 private) on site.

Drg Nos: 438 SK 002, 438 PA 010/A, 438 PA 011/B, 438 PA 012/B, 438 PA 013/B, 438 PA 014/B, 438 PA 015/A, 438 PA 016/B, 438 PA 017/A, 438 PA 024/C, 438 PA 025/E, 438 PA 026/A, 438 PA 027/B, 438 PA 028, 438 PA 029/A

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below:

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

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

- 2) The development shall not be erected otherwise than in accordance with the detailed drawings which have been approved, ref: 438 SK 002, 438 PA 010/A, 438 PA 011/B, 438 PA 012/B, 438 PA 013/B, 438 PA 014/B, 438 PA 015/A, 438 PA 016/B, 438 PA 017/A, 438 PA 024/C, 438 PA 025/E, 438 PA 026/A, 438 PA 027/B, 438 PA 028, 438 PA 029/A

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 3) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces of the buildings, and all surface treatments, have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.

To ensure a satisfactory external appearance, in accordance with policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 4) The development shall not commence until detailed drawings of typical bays of the development at a scale no less than 1:20 in plan section and elevation have been

submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details.

To ensure a satisfactory external appearance in accordance with EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 5) All existing plant rooms and mobile phone masts and associated telecommunications equipment at roof level shall be removed from the building, within one month of the commencement of development.

In the interests of visual amenity, in accordance with policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 6) The development hereby permitted shall not be occupied before details of the proposed hard and soft landscaping of all areas external to the buildings, including planting, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council. The soft landscaping details shall include details of the species, height and maturity of any trees and shrubs. No part of the development shall be used or occupied prior to the implementation of the approved details and the landscaping and planting shall thereafter be retained.

To ensure a satisfactory external relationship with its surroundings in accordance with Policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011.

- 7) All planting, seeding and turfing approved as part of the submitted landscaping scheme shall be carried out in the first planting or seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with others of similar size and species.

To ensure a satisfactory provision for planting, in accordance with Policies EN25 and EN26 of the Unitary Development Plan as amended 2007 and 2011.

- 8) Prior to commencement of the development hereby approved, details and drawings at a scale of 1:100 demonstrating the development's compliance with the Lifetimes Home Standards shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved and permanently retained thereafter. A minimum of 3 residential units shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation. The remainder of the dwellings shall be designed to conform to Lifetime Homes standards and shall be constructed accordingly.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Council's Supplementary Planning Guidance (Access for All), Core Strategy 2011 Policy H4 and Policy 3.8 of the London Plan 2011.

- 9) The development shall not be occupied until full details of refuse storage, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Council. The details shall include a management plan indicating where refuse will be placed on collection days and who will be responsible for removing and returning bins from the refuse stores to the collection points. Such details as approved shall thereafter be permanently retained.

To ensure the satisfactory provision of refuse storage and recycling and to prevent obstruction of the highway in accordance with Policy EN17 of the Unitary Development Plan, as amended 2007 and 2011.

- 10) Prior to the occupation of the development, the 32 cycle parking spaces shown on drawing no. 438 PA 010/A shall be provided, and shall be permanently accessible for the storage of bicycles for all residents within the development.

To ensure the provision of bicycle spaces in accordance with Policy TN6 and standard S20.1 of the Unitary Development Plan, as amended 2007 and 2011.

- 11) No development shall commence until a statement of how Secured by Design requirements are to be achieved has been submitted to and approved in writing by the council. The approved details shall be carried out before any use of that part of the development to which the approved details relate.

To ensure a safe and secure environment in accordance with Policy EN10 of the Unitary Development Plan, as amended 2007 and 2011.

- 12) The development shall not commence prior to the submission and approval in writing by the Council of details of all proposed external lighting, including security lights and the use shall not commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes For The Reduction Of Light Pollution 2005' to ensure that the any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policies EN8, EN8B, EN20C and EN21 of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 13) None of the development hereby permitted shall be undertaken before a scheme for temporary fencing and/or enclosure of the site 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.

To ensure that the site remains in a tidy condition and to prevent harm to the street scene and character and appearance of the area, in accordance with Policies EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 14) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the front or side elevations of the development.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

To ensure that the visual impact of telecommunication equipment can be considered, in accordance with Policies EN2B, EN8 and EN8B of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy BE1.

- 16) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of the enhanced sound insulation of the floor/ceilings separating the residential units, in particular where living rooms are situated above bedrooms and where larger family units are situated above smaller units; and also separating the new residential units from existing neighbouring property. Details shall ensure that the sound insulation (DnT,w and L'nT,w) and any other mitigation measures are sufficiently enhanced in order that the standard specified in BS 8233:1999 is achieved within noise sensitive premises and their external amenity areas. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenities of occupiers of the development site and its neighbours are not adversely affected by noise, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011 and Core Strategy 2011 Policy CC4.

- 17) Prior to the occupation of the development, obscure-glazed screens at a height of 1.7m shall be erected on all third and fifth floor roof terraces. Details of the screens shall be submitted to and approved in writing by the Council before development commences. The screens shall be erected in accordance with the approved details and permanently maintained thereafter.

To prevent loss of amenity to neighbouring properties as a result of overlooking and loss of privacy, in accordance with Policies EN8 and EN8B and Standard S13.2 of the Unitary Development Plan, as amended 2007 and 2011.

- 18) There shall be no public access to the flat sedum roof on the fifth and sixth floor levels on the northern and eastern sides of the building, and the flat roof spaces provided beyond the designated terraces as shown on the approved plans shall also not be used as a terrace or other amenity space. No further railings, fences, walls or other means of enclosure shall be erected around remaining areas of flat

roof on the building, and no further alterations shall be made to form access onto those roofs. Access to the 'sedum' flat roof is permitted for maintenance staff and emergency escape purposes only.

To restrict use of the larger areas of flat roof on the building, which would otherwise give rise to conditions which would be detrimental to the amenities of occupiers of the development and surrounding occupiers by reason of noise and disturbance, occasioned by the use of such areas, in accordance with policy EN21 and standard S13.2A of the Unitary Development Plan, as amended 2007 and 2011.

- 19) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently retained.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan 2011 and PPS25.

- 20) Prior to the commencement of development, further details of the PV panels, including their exact position and noise levels, shall be submitted to and approved in writing by the Council. The development hereby permitted shall not be occupied until the renewable and low carbon technology energy options, as identified within the Energy Strategy for Apex Court, prepared by Metropolis Green submitted with the application and the further details of the PV panels, have been implemented, and thereafter they shall be permanently retained.

To ensure an energy efficient development that integrates on-site renewable energy generation to help reduce its carbon dioxide emissions, in accordance with Policies 5.2 and 5.7 of The London Plan 2011.

- 21) The development hereby approved shall be constructed in accordance with the measures outlined in the Sustainable Design and Construction Statement for Apex Court, prepared by Metropolis Green, dated August 2011; to meet the Code for Sustainable Homes Level 3.

To ensure the construction of a sustainable development, in accordance with Policy 5.3 of The London Plan 2011.

- 22) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 23) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 24) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 25) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in

compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 26) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 27) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to 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 conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and

EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 28) All windows in the north facing elevation at 1st, 2nd, 3rd, 4th, 5th and 6th floor of the main building at Apex Court, facing towards the properties on Goldhawk Road, shall be designed to be non-opening and glazed with obscure glass, a sample of which shall be submitted to and approved in writing by the Council before development commences. The units shall not be occupied until the obscure non-opening glazing as approved has been installed and the windows shall be permanently retained in this form.

To prevent loss of amenity to neighbouring properties as a result of overlooking and loss of privacy, in accordance with Standard S13.2 of the Unitary Development Plan as amended 2007 and 2011.

- 29) Prior to the occupation of the development, details of all built-in planters on third, fourth and fifth floor level roof terraces of Apex Court shall be submitted to and approved in writing by the Council. Details shall include, position and size of all planter and mechanisms installed to ensure that the planters cannot be moved. The built-in planters shall be provided in accordance with the details approved prior to occupation of the units and thereafter permanently maintained.

In order to restrict the number of people using the terrace and to prevent loss of amenity to neighbouring properties as a result of overlooking and loss of privacy, in accordance with Standards S13.2 and S13.2A of the Unitary Development Plan as amended 2007 and 2011.

Summary of reasons for granting planning permission:

- 1) 1. Land Use: The proposed development would achieve a sustainable development with efficient use of brownfield land. It is considered that it has been satisfactorily demonstrated that the loss of office space is justified in this case in accordance with Core Strategy 2011 Policy LE1, London Plan 2011 Policy 4.2, PPS1 and PPS3 Housing (paragraphs 38 and 44), which encourage the release of surplus office space for other uses whilst maintaining supply to meet strategic demand. The proposal would contribute too much needed additional affordable housing, in accordance with Core Strategy Policies H1 and H2 and London Plan Policies 3.3 B, 3.11, 3.12 and 3.13.
2. Housing mix: The proposed development would contribute too much needed additional housing, and would help the borough meet its housing targets, in accordance with London Plan Policies 3.3 and 3.4. The proposed tenure, which would comprise of 24 intermediate for sale affordable housing and 6 for sale market housing at this site is considered acceptable having regard to the results and analysis of the financial appraisal. In the context of London Plan policies, the tenure mix is thus considered acceptable, taking into account the objectives of encouraging residential development, and the individual circumstances of the site. In this respect no objection is raised under London Plan Policies 3.8, 3.9 and 3.12. The housing brought forward by the development would also be an appropriate mix having regard to the objective of securing family and non-family units in accordance with UDP policy H06 and Core Strategy Policy H4. The internal design and layout of the new residential units is considered satisfactory having regard to

UDP Standard S7.A and London Plan Policy 3.5, and the amenity space provision is also considered satisfactory, having regard to the physical constraints of the site, judged against Policies EN23, EN23B and Standards S5.A of the Unitary Development Plan as amended 2007 and 2011.

3. Density: The proposal is of an acceptable density which would optimise the potential of the site and would be compatible with the local character and context and with public transport capacity. The proposal thereby satisfies the aims of London Plan Policy 3.4.

4. Design: The development is considered to comply with UDP Policy EN8 and EN8B and Core Strategy 2011 Policy BE1, which requires a high standard of design in all developments, compatible with the scale and character of existing development and its setting, and London Plan policies 7.4 and 7.6 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development. The proposal would preserve the setting of the adjacent conservation area in accordance with UDP Policy EN2B. The proposal would respect the historic environment, in accordance with the aims of UDP Policies EN3 and EN6 and Planning Policy Statement 5.

5. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. The proposal would not have a harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The use of the building would not result in unacceptable noise and disturbance to nearby residents. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies EN8, EN20B and EN21 and standard S13 of the Unitary Development Plan, as amended 2007 and 2011.

6. Safety and Access: The development would provide a safe and secure environment for all users in accordance with Policy EN10 of the UDP, and would provide easy access by disabled people in accordance with Policy H06 of the UDP, London Plan Policies 3.8 and 7.2 and the Council's Adopted Supplementary Planning Document (SDP) 'Access for All'.

7. Highways matters: It has been demonstrated that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Works to remove the existing crossover and to reinstate the footway on Woodger Road are proposed which would enhance safety at the site. Satisfactory provision would be made for cycle parking and future occupiers would be prevented from obtaining on-street parking permits by way of a section 106 agreement, to help prevent overspill of parking onto the local highways. One on-street disabled parking space would be provided outside the site, which would be secured by a legal agreement. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with UDP Policies EN17, TN4, TN6, TN13 and TN15 and standards S18 and S20.

8. Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline, including renewable energy measures. The proposal would seek to reduce pollution and waste and minimise its environmental

impact. EN17 of the Unitary Development Plan as amended 2007 and 2011 and Policies 5.2, 5.3 and 5.7 of The London Plan 2011 and Core Strategy 2011 Policy CC1 are thereby satisfied.

9. Flood Risk: A Flood Risk Assessment has been submitted and has considered all possible risks of flooding to the site, and has identified adequate preventative measures, in accordance with Planning Policy Statement (PPS) 25.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 19th August 2011
Drawing Nos: see above

Policy Documents: The London Plan 2011
Unitary Development Plan as amended 2007 and 2011
Core Strategy 2011

Consultation Comments:

Comments from:	Dated:
Environment Agency - Planning Liaison	12.09.11
Thames Water - Development Control	12.09.11
London Fire And Emergency Planning Authority	29.09.11
Environment Agency - Planning Liaison	09.09.11

Neighbour Comments:

Letters from:	Dated:
15 Woodger Road London W12 8NW	13.12.11
Woodger Road	13.12.11
Nag	24.11.11

OFFICERS' REPORT

1.0 BACKGROUND

1.1 The application site is located on the west side of Woodger Road, a cul de- sac off Goldhawk Road. The site covers an area of approximately 0.0864 hectares. The building, which is vacant, is not listed or located within a conservation area, but is close to the Shepherd's Bush Conservation Area, which lies immediately north east of the site on Goldhawk Road. The site is occupied by a 6-storey building with a plant room at seventh floor level with telecommunication equipment above. The existing building provides 1,250sqm Office, Class B1 floorspace. There is a large area of hard standing to the rear of the building which is accessed through a gate from Woodger Road and provides car parking for approximately 10 vehicles. There are no trees on the site. The

site lies within Shepherd's Bush Town Centre and the boundaries of the White City Opportunity Area.

1.2 The site has a public transport accessibility level (PTAL) of 6B, which is the highest category. The site is located close to Shepherd's Bush Market, Shepherd's Bush and Goldhawk Road underground stations, Shepherd's Bush over-ground station and numerous bus routes. The area in which the application site is located is mixed but predominately residential in character to the south of Goldhawk Road, of varying scale - ranging from two storey terraced housing to four and five storey blocks of flats to the south and four and eight storey blocks to the east. The site is bounded to the east and the south by a Notting Hill Housing Trust residential development comprising a mixture of two, three and four storey buildings. To the north are period four storey terraced properties on Goldhawk Road with commercial units on the ground floor and residential above. To the west of the site is a two storey building in use as a public house, 45a Goldhawk Road. Local amenities along the main road include Shepherd's Bush Market, as well as a range of cafes, bars and shops.

1.3 The planning history on the site is limited. The site was formerly called Sulgrave House which previously formed part of a larger commercial site which was comprehensively developed 14 years ago for housing. In 1997 planning permission was granted for the redevelopment of the whole site, including refurbishment of the existing 6 storey office building and redevelopment of the remainder of the site by the erection of 2, 3 and 4 storey buildings to provide 16 houses and 20 flats (ref: 1995/00365/FUL). Planning permission was granted in September 1996 for the use as a temporary night shelter with 59 bed spaces. (ref: 1996/01324/FUL) - the limited period for the continuation of the use was until 1st October 1998, on or before the expiration of which the use was to be discontinued.

1.4 This planning application seeks permission for the conversion, refurbishment and extension of the existing building and the erection of a new three storey building to the rear of the site, to provide 30 residential apartments.

1.5 The application has been amended since it was originally submitted in the interest of visual amenity and residential amenity, as follows:

- 1) the top floor area has been reduced in height and floor area, and set back from the front of the building such that it would be no larger than the existing top floor plant rooms.
- 2) the external brick material would now be to match existing brickwork, replacing the previously proposed metal cladding;
- 3) the third floor terraces have been reduced in size from 24 sq.m and 13.sq.m to 8 sq.m and 6 sq.m, by the introduction of larger fixed planters and full height obscure glass screens are now proposed, to replace previously proposed metal mesh screens;
- 4) 24 intermediate affordable flats are now proposed, whereas previously 26 intermediate affordable flats were proposed. The applicants made this change because the reduction in the private sale accommodation at the top floor reduced the viability of the scheme.

1.6 The scheme would provide 24 intermediate units and 6 private units, and would comprise 1 x studio, 25 x one bed (3 of which would be within the detached building) and 4 x two beds units. The scheme would provide 80 % intermediate affordable housing.

1.7 The main entrance to the residential units would remain, via Woodger Road. The scheme would have one parking space on Woodger Road for use by people with disabilities, which would replace the access to the existing car park. Specially designed secure covered storage space would accommodate 32 cycle spaces. The scheme would provide three wheelchair adaptable units, on the ground floor. The total community amenity area available would total 255 sq.m.; this would be in the form of three main courtyard areas, a paved courtyard with planting surrounding it to the west, a planted herb garden with planted beds and a gravel bed to the south west, and a paved permeable area with table and chairs and a 'grow your own' individual allotments to the south. A number of the units would also have direct access to private amenity space in the form of either a private terrace area at ground or upper floor balconies.

1.8 The application has been submitted by Pocket, a private developer that specialises in the provision of affordable accommodation for single persons and couples on low to moderate incomes who want to own a home of their own outright, rather than through shared ownership/shared equity schemes. In support of their application Pocket state that:

- Pocket Homes are grant free residential units designed to provide affordable intermediate housing, priced at approximately £190,000 and £215,000 for a 1 bedroom unit
- The flats are offered at a discount to the local market of at least 20%.
- The housing is secured in perpetuity through a S106 legal agreement, and sold outright to key workers and others on means tested basis.
- Pocket Homes are usually built on sites where there would be little or no affordable housing provided without subsidy
- Pocket has received planning permission for a similar project at 57- 59 Star Road
- Similar schemes have been built in Camden, Westminster, Ealing and Hounslow
- The flats are sold to singles and couples, a demographic group who are set to grow exponentially in the coming 15 years
- The developments are modern, sustainable and well designed
- The units themselves are compact and designed to maximise living space and provide efficient apartments
- Pocket has strong support from the GLA and the Government as well as the local authorities with which it works

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by way of site notice and a press advert, and individual notification letters were sent to individual properties in the surrounding streets. A total of 101 letters were sent. There have been no responses received from local residents.

2.2 Following revised drawings received (showing the amendments referred to in paragraph 1.5 above), the Council re-notified neighbours by way of a revised site notice, and individual notification letters sent to 101 neighbouring residents. Two letters of objection were received; one from a resident at 15 Woodger Road and one a planning consultant on behalf of his client at 45a Goldhawk Road.

2.3 Comments and objection from 15 Woodger Road can be summarised as follows: loss of privacy; loss of sunlight / daylight to balcony; increased noise from additional households. Comments and objection from the planning consultants on behalf of their

clients at 45a Goldhawk Road can be summarised as follows: the new three storey block and change of use of Apex Court will compromise any future development of the adjoining site at 45a Goldhawk Road; the total loss of employment use on the site is contrary to policy; the standard of accommodation in terms of size, mix and amenity will be below current standards and contrary to policy.

2.4 The Environment Agency has responded to consultation with no objections raised to the proposals. The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere (condition 19 is recommended requiring details of sustainable urban drainage to be approved in writing prior to development commencing).

2.5 The London Fire and Emergency Planning Authority has responded with no objection. No alterations or additions are required to the existing fire hydrants.

2.6 Thames Water has reported that they have no objection.

2.7 The planning matters raised above will be considered in the body of the report below.

3.0 PLANNING CONSIDERATIONS

3.1 The main issues are considered to be the acceptability of the proposal in land use terms, whether the proposal is acceptable in terms of design and appearance, quality of accommodation, tenure, density and impact on residential amenity of surrounding residents, any impacts on traffic and parking; energy and sustainability, flood risk, the presence of contaminated land and any other relevant planning matters.

LAND USE

3.2 The application relates to the change of use and extension of an existing office building and erection of a new building within Shepherd's Bush Town Centre to provide 30 flats.

3.3 PPS3 promotes the provision of good quality housing through mixed, inclusive and sustainable communities, in sustainable locations with access to jobs and services. Effective use of land is encouraged in this national guidance, with a priority for re-using brownfield sites. Policy 3.3 of The London Plan 2011 states that 'Boroughs should identify and seek to enable development capacity to be brought forward to meet [borough housing targets]... in particular the potential to realise brownfield housing capacity including the redevelopment of surplus commercial capacity.' Core Strategy policy LE1 seeks to retain premises capable of providing continued accommodation for local services or significant employment unless certain criteria can be met. One of the criterion would allow release if 'it can be satisfactorily demonstrated that the property is no longer required for employment purposes'.

3.4 The application for change of use is supported by detailed marketing information. The applicants state the premises were marketed by chartered surveyors David Charles between early 2008 and 2011. In 2010 the applicant appointed a joint marketing agent (Granby Martin) to try and increase exposure of the vacant accommodation.

3.5 The marketing included:

- Letting boards on the front and rear of the building. These boards were in place for three years in respect of the Granby Martin boards and one year in respect of the David Charles board
- Web pages on each of the agent's web sites
- Details on the client's web site
- Billboard marketing utilising the site at the junction of Woodger Road and Goldhawk Road
- Newspaper advertising (Evening Standard)
- Web advertising on Property Mail, Focus, Co-Star and Estate Agents Clearing House
- Details circulated to 500 West London and Central London Commercial Agents
- 1000 letters sent to local companies on the agent's database

3.6 In this period there has been no viable interest in the site for office use. The agents stated that there are very significant numbers of commercial properties in the area which are available (which demonstrates a steady decline in demand for the office units). This lack of demand is despite extensive efforts to find occupiers at reasonable rents without success. The supporting information states that potential occupiers have found office accommodation elsewhere and that the building is not attractive to potential occupiers. The applicant further states that the cost of refurbishing the existing poor building on site to modern standards would still however result in low commercial returns taking into consideration the overall high cost of refurbishment. The current low demand for commercial space would result in long void periods and would thus accumulate further losses. It is also acknowledged that the office building is located on the edge of the town centre rather than centrally situated.

3.7 In view of the circumstances of the existing premises and having regard to the location of the property on the edge of the town centre, it is considered that a fully residential scheme that does not replace the Class B accommodation is considered acceptable, and is in accordance with the aims of PPS 3: Housing, London Plan Policy 4.2 and Core Strategy Policy LE1. In these circumstances it would be reasonable to agree the loss of employment use, on this occasion, and therefore no objection is raised subject to the other development plan policies being satisfied which will be discussed below.

3.8 National Planning Policy Statement (PPS) 1 (Delivering Sustainable Development) requires local authorities to promote more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

3.9 PPS3 promotes the provision of good quality housing through mixed, inclusive and sustainable communities, in sustainable locations with access to jobs and services. Effective use of land is encouraged in this national guidance, with a priority for re-using brownfield sites.

3.10 This application seeks to provide 30 new residential dwellings. London Plan Policy 3.3 B states that an annual average of 32,210 net additional homes should be delivered. Table 3.1 sets an annual target of 615 net additional dwellings for Hammersmith and Fulham. Core Strategy 2011 Policy H1 reiterates the London Plan's annual target of 615 net additional dwellings for the borough. Development Management DPD Policy A1 -

Housing Supply states the council will seek to exceed The London Plan housing target by: Seeking housing on both identified and windfall sites and as a result of change of use. The provision of 30 units would contribute towards these targets.

3.11 The scheme has merit in bringing back into use a redundant office building on the edge of Shepherd's Bush Town Centre. The residential accommodation proposed would provide predominantly one bedroom units and is deliberately targeted to provide for non-family occupiers. This form of development is particularly suited to the conversion of this office building, and the property's location within Shepherd's Bush Town Centre. Although the proposal would provide a concentration of small units and would only provide one family unit, it would provide for a particular need in the market.

TENURE AND AFFORDABLE HOUSING

3.12 London Plan Policy 3.13 states that 'Boroughs should normally require affordable housing provision on a site which has the capacity to provide 10 or more homes'; which is the case in this application. London Plan Policy 3.9 states that 'communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger developments and that 'A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation'.

3.13 Policy 3.12 of the Mayor's London Plan states that 'the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to the current and future requirements for affordable housing at local and regional levels; adopted affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the individual circumstances of the site'. The London Plan goes on to say that 'the Mayor wishes to encourage, not restrain overall residential development. Boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis. Boroughs should take into account economic viability and the most effective use of public and private investment, including the use of developer contributions. Development appraisals should be provided to demonstrate that the scheme maximises affordable housing output.'

3.14 London Plan Policy 3.11 requires boroughs to seek to ensure that 60 per cent of the affordable housing provision should be for social rent and 40 per cent should be for intermediate rent or sale.

3.15 Core Strategy Borough Wide Strategic Policy H2 'Affordability' sets a target for 40% of additional dwellings to be affordable, with a preference for intermediate and affordable rented. It also states that 'in negotiating for affordable housing the council will take into account financial viability'.

3.16 The need for intermediate housing, rather than social housing in the borough is highlighted in the supporting text for Policy H2. Within paragraph 8.11 furthers this by stating that all the net gain in affordable housing should be intermediate and affordable rented housing available to households who cannot afford to buy and/or rent market accommodation in the borough. Paragraph 8.17 goes on to say that although the stock of intermediate affordable housing has increased in the last 10 years, it still makes up only about 1,850 dwellings or just over 2% of the housing stock. This compares to over

3,000 households registered for low cost homeownership on the H&F Homebuy Register. Paragraph 8.20 highlights a chronic lack of affordable market housing in H&F, coupled with a probable reduction in owner occupation. This highlights a severe lack of affordable intermediate housing in H&F, demonstrating that there is a need to increase the supply of intermediate affordable housing. The supporting text also suggests that even if the entire 40% affordable housing target (almost 3,000 dwellings by 2021/22) were to be intermediate housing, this would still only increase the intermediate housing stock to about 4,800 dwellings or about 5.5% of the total dwelling stock.

3.17 Paragraph 8.21 goes on to stress that as house prices and market rents are so high in H&F, intermediate housing and affordable rented housing needs to be affordable to a broad range of incomes. The income range of households that cannot afford market housing in H&F is from £19,900 up to £79,400 (for households that require 4 or more bedrooms). The Core Strategy goes on to say that the council will encourage the provision of a variety of intermediate housing products that will assist people who cannot afford market housing to buy (e.g. shared ownership, equity share, discounted market sale) or rent (e.g. affordable rented housing); and that the provision and affordability of such housing will be taken into account in considering the appropriate proportion of affordable housing on individual sites.

3.18 Hammersmith and Fulham Housing Market Assessment (Dec 2010) also supports the need for intermediate housing. Within the document it states that the borough has a higher proportion of social housing than Greater London as a whole. In 2009, the borough had 32% of dwellings that were social housing compared to 24% for Greater London as a whole. Therefore the council's policy is to provide most of the additional affordable housing as intermediate housing for purchase or rent. The assessment suggests that the local area is polarised both demographically and economically; with areas of deprivation close to affluent, wealthy areas, and areas of high economic activity and income next to areas with very high inactivity and unemployment and low incomes. The assessment further states that the borough has consistently struggled to fill job vacancies in the occupations with low wage levels. These include 'key worker' areas such as health and social care. This impacts on the provision of a wide range of essential services because many key workers move out of the borough and possibly London when they want to buy a house. The borough is considered to have the 4th highest average house price in London, with an average of £495k. The majority of properties sold in the borough are flats. An average household income of £86k pa is required to purchase an entry level (i.e. lower quartile house price) property in the borough. H&F has one of the highest house prices to household income ratios in the country, meaning that the majority of first time buyers cannot afford to buy in the borough. As noted above low cost home ownership and other forms of intermediate housing account for only 2% of all dwellings in the borough; though a MORI survey for the GLA (2009) showed that 87% of households in private rented housing wanted to own their own home. The aspiration for home ownership also includes households on the council's housing register. A survey of people on the council's housing register shows that 57% of housing register applicants are interested in owning their own home.

3.19 The proposed development would provide 30 new flats, so affordable housing would be required. The development proposes 24 intermediate (for sale) flats and 6 market flats, which is a very high affordable housing provision at 80%. Though all of the affordable would be intermediate housing, which would not meet the aim of London Plan policy 3.11, the intermediate housing does not require public subsidy in this instance.

3.20 Officers also acknowledge that a benefit of providing a high proportion of intermediate housing in this scheme is that it may 'free up' further social housing units to meet borough residents' needs; and due to income constraints discussed above, the scheme would provide more homes at below market prices, so that for some people who want to live in the borough have that opportunity. No social rented housing is proposed. The application has been supported by a financial assessment. From this toolkit assessment it is considered that the introduction of social rented units would compromise the delivery of the scheme, by making it financially unviable. Officers consider that given the over-provision of intermediate rent flats, which is the Council's preference for affordable housing (as stated in the Core Strategy), and the relatively high proportion of existing social rent accommodation in the Shepherd's Bush area, the proposal for 80% intermediate flats is considered acceptable on this occasion.

3.21 The Intermediate units proposed would meet the London Plan definition of Intermediate Housing as they would be affordable to households with average gross household income of up to £64,000 pa. This is the current London Plan Monitoring Report Upper Limit, which is reviewed each February.

3.22 The units would be considered as affordable housing as the price is discounted to 80% of the open market value so that it can be afforded by persons or families who cannot afford to buy equivalent market housing. Although eligible purchasers would pay 80% of the local market value they would, unlike Discount Market Sale, own 100% of the equity in the property. The affordability of the units would be achieved by providing smaller units which subsequently have lower sales values than would be anticipated for larger units. The model would only work if 80% of the local market value is less than 3.5 x the London Plan upper limit of £64,000 (currently £224,000). Pocket Housing estimate that the one bed units would be sold for £215,000. Units would have to be sold at the lower end of 80% of the local market value or 3.5 times the London Plan upper limit.

3.23 A legal agreement would ensure that the developer strictly adheres to a marketing methods plan which would restrict sale of the intermediate units for 4 months prior to practical completion and 2 months after practical completion to eligible persons who live or work in H&F and for a further 2 months to eligible persons who live or work in any London borough. If any units are unsold after the 8 month period the developer would be able to sell them to any eligible person or let them out to eligible persons at a rent which must not exceed 80% of the local market rent. Resales would have to be to eligible persons who reside or work in H&F for the first 3 months following notification to H&F and for the following 3 months to eligible persons who reside or work in any London borough.

3.24 Officers conclude that the provision of 24 intermediate rent units, which would allow occupiers to own their own home, would make a valuable contribution to meeting the continuing demand for housing in the borough in accordance with Core Strategy Policy H2 and London Plan Policies 3.11, 3.12 and 3.13.

DENSITY

3.25 Policy 3.4 of the London Plan states that 'Taking into account local context and character, the design principles, in Chapter 7 of the London Plan, and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2.' The site is located in Public Transport Accessibility Level (PTAL) 6B, which is the highest category for accessibility, and is considered 'urban' in relation to the GLA density matrix in Table 3.2, giving an

indicative density range of 200-700 habitable rooms per hectare (hrph). The proposed development site comprises 0.0864 hectares and would have a density of 752 hrph, which is in excess of the density range suggested in The London Plan.

3.26 However, paragraph 3.28 of the London Plan states that 'It is not appropriate to apply Table 3.2 mechanistically'. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16). Furthermore paragraph 3.29 of The London Plan further states that higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by PTALs). The proposal is situated in a town centre location and in an area of excellent public transport accessibility (PTAL 6b) with many London Underground lines and bus services at hand, and would be car permit free which would be unlikely to result in any material increase in parking pressure or trip generation to and from the site. Regarding local context and character the development is primarily a change of use, and the proposal is not considered to be out of character with the area. Taking into account the site's constraints and the need to respond sympathetically with the context of the surrounding buildings, it is considered that the development has optimised the housing capacity on this site. Furthermore, the site benefits from a variety of shops and services of Shepherd's Bush Town Centre and is not very far from Westfield Shopping Centre; and it would provide adequate amenity space; such that the proposed density is considered acceptable on this occasion. No objection is therefore raised under London Plan Policy 3.4.

SERVICES and FACILITIES

3.27 Officers have considered the impact of the proposed development on the existing services and facilities in the area, including health care facilities and local education. The scheme is estimated to produce a child yield of only 3-4 children (0 -18 years) and is not considered to have a significant therefore impact on local education facilities. Based on an assessment on the demand arising from the development on local healthcare facilities, a capital planning contribution of £25k would be required, and the applicants have agreed to contribute this sum, which would be secured by a legal agreement.

3.28 In terms of shopping facilities, there is a range of commercial premises in Shepherd's Bush Town Centre, including Westfield Shopping Centre, to meet everyday local needs and also more specialist needs. Access to the underground public transport network is provided within 550m walk at Shepherd's Bush (Central Line and Overground); Goldhawk Road Underground station is within a 220m walking distance and provides Circle and Hammersmith and City line services. Goldhawk Road is designated as a signed cycle route by TfL and links into a network of cycle routes throughout LBHF and beyond. It is therefore considered that in the site is well served by local and town centre shopping facilities and services.

VISUAL AMENITY

3.29 Planning Policy Statement 1 - Delivering Sustainable Development - established the Government's principle aim as being the promotion of sustainable and inclusive patterns of urban development in line with economic, social and environmental objectives to improve people's quality of life. Paragraph 5 of the statement advises that in order to achieve this, Local Planning Authorities need to ensure 'high quality development through good and inclusive design, and the efficient use of resource; and ensuring that development supports existing communities and contributes to the

creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community'.

3.30 London Plan Policy 7.4 states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment.'

3.31 Policy EN8 of the UDP relates to the design of new development and states that 'Development will not be permitted unless it is of a high standard of design and compatible with the scale and character of the existing development and its setting. Schemes must be formulated to respect the historical context of the area and its sense of place, the scale, mass, form and grain of the surrounding development, relationship to the existing townscape, rhythm and articulation of frontages, local building materials, sustainability objectives and the principles of good neighbourliness'. UDP Policy EN8B is also relevant in this case, which states that 'all extensions and alterations to existing buildings should be compatible with the scale and character of existing development, its neighbours and its setting'. The site lies near to the Shepherds Bush Conservation Area and therefore UDP Policy EN2B is relevant. This states that 'development will only be permitted if the character or appearance of the conservation areas in terms of their setting and views into or out of them is preserved or enhanced'.

3.32 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

3.33 The existing building presents a poor aspect to the street and in design terms the opportunity exists to improve its appearance and make a positive contribution to the street scene through elevational changes. The existing building has four sheer storeys comprising of alternating horizontal bands of brick and metal framed glazing, two upper storeys set back from the street, and extensive plant rooms and mobile phone equipment at roof level. The upper floors of the existing building come into view as the viewpoint moves away from the site such that all of the upper floors are visible from Goldhawk Road and the Shepherds Bush Conservation Area.

3.34 The application scheme proposes to retain the existing structure and re-clad the elevations in a manner more suited to its new residential use. The proposal has developed a design which has resulted from the careful consideration to its surroundings and context.

3.35 The proposed design would retain the existing massing with set back upper floors. However, the height of the overall building would be reduced by approximately 500mm which would reduce the massing of the overall building. All of the existing mobile phone aerials and equipment would be removed which would further enhance the appearance of the property (this would be secured by condition 5). The applicant's original proposals

included an extension of the roof storey towards Woodger Road. However, following concerns raised by officers this has been reduced to the line of the existing plant room. Officers were concerned that the existing building is larger than much of the surrounding townscape and that the current proposal should not worsen this condition.

3.36 The mass of the block would follow the form of the existing building and be broken into two main parts; the lower four floors and then the upper three floors. At fourth floor level, above the parapet line is an 'attic' storey which would be slightly set back- this forms the top of the first section. Above that the three upper storeys would also step back gradually to an extent where it is subservient to the main bulk of the building and would be seen only as one moves away from the building.

3.37 From street level it is the four lower floors that are visually prominent and contribute to the character of the local townscape. From distant views such as Goldhawk Road tube station it is the upper floors that tend to appear most visible on the skyline. The street elevation (East elevation) is proposed to be clad in brick; the brick would be closely matched to the existing so that the new elements of the facade merge with existing. As the building increases in height, it is considered that its visual prominence decreases, therefore the proposed materials would become lighter in colour and texture. Grey Fibre cement panels, on the third and fourth floors would become the intermediate layers between the solid materiality of the lower floors and the lightness of the upper floors. It is proposed that the sixth (uppermost) floor would be clad in perforated aluminium cladding, the applicant states that the perforations would allow light to pass through which adds to the lightness of the upper floors of the scheme. The design of the lower levels has been specifically designed to enhance the visual interest and contribution of this building to the street scene and minimise any overbearing effect by utilising brick, the predominant material in the locality, to add to the appearance of the street scene. The upper most part materials are considered to break up the mass of this building and the proposed design would add interest and scale to what would otherwise be a blank unrelenting top floor.

3.38 In areas where possible overlooking between neighbours could arise, translucent glazed panels are to be used in order to prevent loss of privacy whilst still allowing light to pass through.

3.39 The proposed scheme retains the existing building which has presented the applicant with some design challenges. It is considered that the applicant has developed an appropriate response to this site and an improvement in the building's appearance compared to what currently exists. The proposal includes three communal courtyard amenity spaces, which would introduce some soft and green areas. The proposed development responds to its context and it is considered that the setting of the nearby conservation area would be preserved and the views from the conservation area to the building would be improved by the enhanced design.

3.40 The quality of the detailing and materials would be key to the success of the design, and it is therefore intended to condition the development so that large scale sections through the proposed buildings at a scale of 1:20 would be provided for prior agreement to ensure that depth and articulation would be achieved in the elevations of the buildings (Condition 4), as well as details and samples of materials (Condition 3).

3.41 In summary, subject to the submission of satisfactory details, it is considered that the development would comply with Policies EN2B, EN8, EN8B of the UDP, and Core Strategy Policy BE1 and Government guidance contained in PPS1.

ACCESSIBILITY AND HOUSING MIX

3.42 Policy HO6 of the UDP states that 'Development for 20 or more dwellings will only be permitted if: (a) 10% of the units are designed to be suitable for occupation by wheelchair users; and (b) A mixture of units of different sizes is provided to meet the needs of family and non-family households'. Policy 3.8 of The London Plan also requires 10% of units to be accessible to wheelchair users and requires new developments to provide a range of housing choices in terms of the mix of housing sizes and types.

3.43 In accordance with these policies, 10% of the units (3 units) have been shown to be fully adaptable to wheelchair users, to accord with Policy HO6 of the UDP, Policy H4 of the Core Strategy and Policy 3.8 of the London Plan. The 3 wheelchair adaptable units (2xone bed and 1xtwo bedroom units) would be located on the ground floor, with level access from the Woodger Road entrance. Lift access would be provided to each floor within the refurbished office building. Subject to a condition requiring further details to be submitted for approval, all units would be expected to meet Lifetime Home standards. Bin stores would also be wheelchair accessible. The mechanism for the marketing of the wheelchair units, to ensure that all three identified wheelchair adaptable units would be offered to those in need of this accommodation, would be secured in the legal agreement.

3.44 The scheme would provide a mixture of units with 1x studio, 25x one bedroom units and 4x two bedroom units and is considered to provide a satisfactory choice of dwelling size. Pocket's principal objective is to provide homes for sale to single people and couples.

QUALITY OF PROPOSED RESIDENTIAL ACCOMMODATION. AMENITY

3.45 Standard S8.1B of the UDP, as amended 2007 and 2011, states that converted flats with full containment should measure at least 32.5 sq.m. There are no minimum size standards for studio flats, but Standard S8.1B requires a minimum of 25 sq.m. for a self contained bedsitting room, with a minimum living/sleeping area of 14 sqm. With the conversion of Apex Court the proposed size of the flats varies from 34sq.m. for the studio and up to between 38-46 sq.m. for the 1 bedroom flats and between 52 sq.m. to 76sqm for the 2 bed flats. Therefore all of the proposed units within the converted property would accord with the minimum internal space in Standard S8.1B.

3.46 Standard S7A of the UDP relates to internal space provisions for new dwellings. The table accompanying this standard sets out the minimum requirements for flats. Each of the one bed flats within the new build would have two habitable rooms; which would require a minimum size of 44.5 sq.m. The London Plan 2011 has adopted more generous space standards as set out in Policy 3.5 and Table 3.3, and would expect 50 sq.m. minimum for each of these three flats. Two of the flats in the new building would be 40 sq.m. and one would be 48 sq.m. in size.

3.47 In support of their application, the applicant states their flats are designed to meet the requirements of new modern households and are economically designed to a 'model' which has been tested and makes the best use of space and liveable environment. In response to this point, officers visited a similar redevelopment scheme

in Camden which contains a mixture of 1 bedroom and studio units and the space and layout within this scheme was considered satisfactory.

3.48 Overall officers are satisfied with the general standards to be provided in this specific case. The proposed layouts of the flats are designed to make efficient use of internal space. The units can all accommodate a double bed. The units would have sufficient circulation space, combined living/kitchen areas with built-in units and under-floor heating. Other services are also hidden behind walls in the development. The units would be designed to accommodate a washing machine and other 'white goods'. Overall the sizes are considered acceptable given their layouts and intended use. In support of their proposals, the applicants advise that the permission at Star Road for a similar Pocket scheme had smaller units than those which are proposed here and Pocket have also obtained planning permission for similar scale redevelopment schemes in other London boroughs, including their Camden site. In the Camden case, the Planning Inspector concluded the site makes good use of limited space and concluded that person(s) wishing to '...purchase one of these units will be a matter of choice and being able to purchase a home and get a foot on the 'property ladder' might be more important than the larger room sizes...People not wanting such limited accommodation would choose not to purchase a unit....'. Although the internal spaces within two of the new build flats proposed are compact and marginally below UDP it is not considered that these units would provide unsatisfactory living space. Overall, the scheme would provide a well designed scheme, aimed to meet certain market needs (singles and couples); and taking into account the recent appeal decision, and approval for a pocket scheme at Star Road, officers do not consider there are sufficient grounds to justify refusing planning permission on the basis of this shortfall.

3.49 Policy EN23 of the UDP states that 'all new developments will be required to make provision for open space to meet the needs of the occupiers and users'. These will need to be in accordance with standards S5 and S7 of the Unitary Development Plan. Standard S5A.1 and S5A.2 of the UDP identify amenity space requirements for new family and non-family units which are located at ground level and requires an area of private open amenity or garden space of not less than 36 square metres for family units and 14 square metres for non-family units. On this basis 92 sq.m of amenity space is required in this scheme. The scheme would not provide private gardens, but rather would provide a range of communal amenity areas and private balconies. Communal amenity space would be provided, which would be in three linked areas. The first is to be an area for residents to sit outside and interact, the second is to be a herb garden and the third area is to be an area for growing vegetables/plants etc, giving residents the opportunity to become more self sufficient and sustainable. The total amenity space equates to 255 sq.m in size, which is above the UDP requirement and therefore considered acceptable in accordance with the standard. In addition, a number of the units above ground floor level have access to a private terrace.

3.50 UDP Policy EN23B states that 'where residential development that provides family dwellings is proposed, children's play space provision will be required by means of a communal play area on site or by the provision of, or a contribution to, new or enhanced facilities in the immediate vicinity. The scale of provision and associated play equipment, will be in proportion to the scale, and related to the nature of, the proposed development, in accordance with development standard S7.' Residential developments that contain family accommodation without gardens must make some or all of such play space provision on site. Standard S7.1 of the UDP requires development proposals, including flats on site areas of more than 0.2 hectares, and which provide

accommodation for more than 10 children, to include an appropriately equipped children's play space. The estimated child yield for the development is only 3-4 children. Some of the communal space provided within the development could be used as informal play space, and the number of children expected would not realistically result in any significant additional demand on local play facilities outside of the site.

3.51 It is therefore considered that the amount and type of amenity spaces proposed are acceptable in the context of the overall scheme. The scheme would thus comply with the aims of UDP standards and policies EN23 and EN23B.

3.52 The units would be stacked so as to place similar room types above one another where feasible. Details of enhanced sound insulation between noise generating and noise sensitive parts of the building and neighbouring properties would be required by condition, to ensure compliance with British standards. (Condition 16)

3.53 None of the new dwellings would have a single north facing aspect and the development therefore complies with standard S13.3 of the UDP. With regard to the internal light levels within the flats all but two of the rooms would achieve the minimum guidance for the Average Daylight Factor (ADF) set out by BS 8206. The two rooms which would be below would only miss the target by a small amount. One living/dining/kitchen window would receive 1.85% ADF (whereas 2% is required) and the bedroom window would receive 0.97% ADF (whereas 1% is required). Given this relatively small infringement in guidance and that none of the new dwellings would have a single north facing aspect; the proposed development is expected to result in acceptable levels of daylight and sunlight.

3.54 In conclusion, future occupiers would have an acceptable standard of accommodation and environment.

HIGHWAYS MATTERS

3.55 Policy TN13 and TN15 of the UDP requires that any proposed development conforms to the Council's approved car parking standards to ensure that there would be no increase in on-street parking demand. Standard S18.1 of the UDP outlines the car parking requirements for each type of land use. UDP Policy TN4 states that 'development will not be permitted unless in terms of its design and layout it would facilitate ease of access by disabled people and others with impaired mobility to and from public transport facilities and car parking areas that directly serve the development'. UDP Policy TN6 aims to facilitate access for cyclists.

3.56 A transport statement was submitted with the application. No off-street parking is proposed, however the scheme would be car permit free which would prevent future residents being eligible to obtain residents permits to park on the local streets. The site has a PTAL rating of 6B which is the highest rating and is highly accessible by public transport in the form of the local tube stations within 5 minutes walk of the site, and numerous bus routes can be accessed from Goldhawk Road. It is therefore concluded that implications on the local highway network and parking conditions would be minimal. The proposal is thus considered to comply with the aims of UDP Policies TN13 and TN15.

3.57 UDP Policy S20.1 and Table 12.2 refer to cycle storage and seek a minimum of one cycle space per residential unit. Cycle storage would be provided as part of the scheme with 32 spaces within a secured, covered enclosure. The cycle parking layout

is considered to be satisfactory and compliant with policies TN6 standards S20 of the UDP. Condition 10 will ensure that the cycle parking is provided.

3.58 The proposed development would remove the existing vehicle crossover at the site's entrance. The removal of this access would improve highway safety conditions and allow for more useable amenity space. The space on the road would be used to provide an additional on car parking space for use by the general public. In addition, footway on Woodger Road would be reinstated. This would contribute to a higher quality public realm and would improve the safety of the environment for pedestrians. The cost of payment for the highways works would be secured in the legal agreement. No on-site parking spaces are proposed for disabled people, which is accepted given the site constraints and town centre location.

3.59 It is considered the development would support sustainable forms of transport and not result in additional pressure for on-street parking in surrounding streets. Therefore officers do not consider that the development would have an unacceptable impact on existing levels of on-street overnight car parking stress in the vicinity of the application site, in accordance with UDP policies TN13 and TN15.

REFUSE

3.60 There would be a refuse store at ground floor level near the entrance to allow easy collection, accommodating 8x 1280 litre eurobins for general waste and recycling which is considered to be sufficient for the 30 flats. The refuse store would be fully accessible for wheelchair users. Full confirmation regarding the number and type of bins at each location and the recycling facilities and method of collection would be secured by condition (Condition 9). The proposal is therefore considered to satisfy policy EN17 of the UDP.

IMPACT on RESIDENTIAL AMENITY

3.61 Policies EN8 and EN8B of the Unitary Development Plan relate to the design of new development and places an emphasis on the principles of good neighbourliness. As such the scheme's impact on neighbours in respect of outlook, privacy as well as daylight and sunlight and shadowing have been assessed.

3.62 Standard S13.1 of the UDP relates to loss of outlook and states that 'a building's proximity can have an overbearing and dominating effect, detrimental to the enjoyment by residential occupiers of their properties'. Although dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. Where any part of the proposed building extends beyond these lines the UDP allows on-site judgement to be a determining factor in assessing the effect which the development will have on the existing amenities of neighbouring properties.

3.63 In terms of the impact on the outlook from neighbouring residential flats, there would be a reduction in height on the existing building by 500mm and all of the plant and telecommunications equipment would be removed. This would improve the outlook for residents who have views from the rear of properties fronting onto Goldhawk Road (Nos. 39-45). In respect of the three storey building to the rear, this would not extend beyond a 45 degree line from the ground floor windows within 3-17 Woodger Road. Furthermore these windows are non-habitable.

3.64 Officers are therefore generally satisfied that the development would not result in harm to the residential amenity of properties in terms of loss of outlook.

3.65 Standard S13.2 of the UDP relates to privacy and overlooking. Normally a distance of 18m in an arc of 60 degrees should be achieved between habitable windows in a new development and existing habitable windows.

3.66 There are three areas where loss of privacy to existing residents has been carefully considered:

- 2-12 Woodger Road (located to the east of the site)
- Rear of 3-17 Woodger Road (located to the south of the site)
- Rear of nos. 39-45 Goldhawk Road. (located to the north of the site)

3.67 In respect of 2-12 Woodger Road, these properties lie approximately 18m from the ground floor windows of the proposed scheme. These windows face across a public highway and the building lines reflect a normal relationship of properties on Woodger Road. It is considered that the proposed relationship is acceptable.

3.68 In respect of the rear of 3-17 Woodger Road whilst the existing windows within this building are within 18m of the proposed three storey building, the aspect of the new building and the addition of translucent screens would ensure that windows do not directly overlook the existing flats. Furthermore the existing windows which could potentially be affected are small kitchens and bathrooms.

3.69 In respect of the windows within the rear of 41-45 Goldhawk Road, the impact on the privacy of existing residents from accommodation proposed within the first, second, third, and fourth floor levels has been considered. The design of the building has taken the privacy of residents into account by the use of oriel windows which would remove any direct overlooking from inside the flats towards the Goldhawk Road properties, with obscure glazing located as necessary (secured by condition 28). The flat roof at third floor level, at which the applicant proposes to form a terrace for two of the flats, has previously been reduced in size, with planters to be installed on the non-useable area of the flat roof (which would also improve the appearance of the building) and the installation of 1.7m high translucent panels, which would prevent overlooking. This would be secured by condition 17.

3.70 Due to the design of the existing building there are a number of areas which could potentially have been used as terraces for amenity space. In discussions with officers the applicant has reduced the size of a number of terraces and now all terraces would have suitable screening to ensure that the privacy of neighbours is not compromised. Officers are generally satisfied that the development would not result in harm to the residential amenity of properties in terms of loss of privacy or overlooking. The screening would allow light to pass through though, improving the appearance of the terrace and reducing the perceived bulk of the building.

3.71 The advice contained in the BRE guide (Building Research Establishment (BRE) Report 1991 - 'Site layout planning for daylight and sunlight - A guide to good practice') is not mandatory, and the guide itself states that it should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer and although it gives numerical guidelines 'these should be interpreted flexibly, because natural lighting is only one of many factors in site layout design'. Nevertheless the BRE guidelines,

applied together with on-site judgement, are useful tools in assessing the potential impact of a development on daylight/sunlight to neighbouring properties.

3.72 A study of the effect of the development on all neighbouring residential properties in respect to daylight, sunlight, overshadowing has been submitted with this application in accordance with the BRE guidelines. The Vertical Sky Component (VSC) and the Average Daylight Factor (ADF) were used as measures by the applicant in their daylight/sunlight assessment. Officers agree with the conclusions of the assessment which demonstrates that the scheme would not result in any significant reduction of daylight or sunlight to any neighbouring property.

3.73 UDP standard S13.2A seeks to prevent noise and disturbance to existing residents from roof terraces and balconies. Small terraces are proposed to the southeast of the building at first and second floor levels, to the west at third floor level, to the north and south at fourth floor level and to the north and west at fifth floor level. The majority of the individual balconies proposed within the development are small (ranging between 3 sq.m. - 19 sq.m.) and therefore would not allow large numbers of people to congregate.

3.74 A large number of the flats on the adjacent block of flats have balconies. On balance, having regard to the relatively small size of the proposed terraces which would limit the capacity to accommodate a large number of people, together with their relationship with adjoining properties, it is not considered that they would, in the normal course of events, be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance to a degree that would justify refusing planning permission. It should be noted that the flat roof spaces provided beyond the designated terraces would not be used for recreational purposes. This would be secured by condition 18. The proposal is therefore considered to be consistent with Policy EN21 and Standard S13.2A of the UDP.

CONTAMINATED LAND

3.75 Conditions are recommended with regard to contaminated land matters (Conditions 22 - 27). These requirements have been placed in order 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 UDP policies EN20A and EN21, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

ENERGY AND SUSTAINABLE DESIGN

3.76 London Plan Policy 5.2 aims for the reduction of carbon emissions from all development. The policy states that major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction are to be met within the framework of the Mayor's energy framework. A Sustainable Energy report has been submitted with the application as required by policy 5.2D. This assesses the expected energy demand for the development and annual CO₂ emissions and also details the energy efficiency and low/zero carbon technologies to be installed to provide an energy efficient development, with reduced CO₂ emissions.

3.77 Baseline energy use, if the development was built to meet the minimum requirements of the 2010 Building Regulations, is calculated to produce 37 tonnes of CO₂ a year in providing heating, hot water, lighting and ventilation. Unregulated energy

use (from plug in appliances) is calculated to produce a similar amount. Energy efficiency measures would be incorporated into this scheme. For example, building fabric elements with higher insulation performance would be used, air tightness levels would be improved and an efficient ventilation system would be used and 100% of lighting installed will be energy efficient. These energy efficiency measures are calculated to reduce total CO2 emissions by just over 9 tonnes a year.

3.78 In line with the Mayor of London's energy hierarchy and London Plan policy 5.6, the feasibility of using decentralised energy on site has been assessed. The use of a small capacity combined heat and power (CHP) unit would be suitable for supplying the space heating and hot water demand to the development and is calculated to reduce annual CO2 emissions by about 4.5 tonnes. The CHP unit would provide the base load requirements, with peak heating requirements being met by efficient gas boilers, also connected to the communal system. Electricity generated by the CHP would be used onsite in communal areas of the blocks and any excess would be sold back to the grid.

3.79 Renewable energy generation on-site has also been assessed and it is proposed to install 2 roof mounted arrays of solar PV panels: 10 panels on the roof of the new block and 23 on the larger roof of the existing building. These are calculated to reduce CO2 emissions by a further 2.5 tonnes a year.

3.80 Overall, the energy efficiency measures, the use of a communal heating system based on a CHP unit and the installation of PV panels are calculated to reduce CO2 annual emissions of CO2 of regulated energy use by 32%, which meets the London Plan target of a 25% improvement beyond the Building Regulation requirements.

3.81 The sustainable energy proposals comply with the requirements of the Development Plan. Condition 20 is recommended to require the measures outlined in the Energy Strategy to be implemented and to secure the submission of further details of the exact position of the PV panels and noise levels.

3.82 Policy 5.3 of The London Plan relates to sustainable design and construction and states that 'Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.'

3.83 In accordance with this policy, a Sustainable Design and Construction Statement has been submitted with the application detailing the expected sustainability performance of the development. As well as the energy efficiency and low/zero carbon features outlined above, other sustainability measures proposed for the development include: use of building materials with low environmental impacts, including materials salvaged from the refurbishment of the existing block and use of sustainably sourced timber; water efficient appliances would be fitted to help control water consumption and water butts would be used in the garden area to collect rainwater for irrigation; green roofs are planned to help improve biodiversity on the site (they would also help to reduce surface water run off); recycling facilities to be provided to encourage sustainable waste behaviour; the gas boilers and CHP system to be efficient, low emission models to reduce pollution; noise attenuation measures to be included to reduce noise impacts and demolition and construction impacts to be controlled and minimised by implementing a Considerate Constructors Scheme on site. The refurbished block is expected to meet the 'Very Good' rating under the EcoHomes scheme and the new block is expected to attain level 3 of the Code for Sustainable

Homes. The design broadly complies with the requirements of the London Plan Policy on sustainable design and construction. Condition 21 is recommended, requiring the implementation of the sustainability measures outlined in the Sustainable Design and Construction Statement.

FLOOD RISK/DRAINAGE

3.84 A Flood Risk Assessment (FRA) has been submitted with the application in accordance with Planning Policy Statement (PPS) 25. The FRA submitted has considered all possible risks of flooding to the site with the greatest risk coming from a tidal surge event associated with the River Thames. Residential use is classified as a 'more vulnerable' use than an office use. The site is located within the Environment Agency's Flood Zone 3 which designates areas that have a 1 in 100 or greater (>1%) risk of flooding from the River Thames if there were no flood defences in place. However, the borough is protected from flooding by the river wall and Thames Barrier to a 1 in 1,000 (0.1%) year standard. Even if there was a failure or breach of local flood defences, there is still a low risk of this site being affected by flooding. The FRA also assesses the risks from surface and ground water as being low. The Environment Agency raises no objection to the redevelopment of the site for residential purposes. The change of use of the existing office block to residential and the construction of new residential units on site is therefore considered acceptable in this respect.

3.85 In terms of surface water drainage, 100% of the site is impermeable at the moment and the existence of extensive hard surfacing means that surface water currently drains straight into the public sewer system. The planned development would incorporate areas of soft landscaping and permeable paving at ground level and balcony planting and a green roof would also be included which would help improve the drainage permeability of the site.

3.86 London Plan policy 5.13 requires developments to aim to achieve greenfield run-off rates and the Sustainable Design SPG sets a target of reducing the undeveloped site's peak surface water run-off by 50% (essential standard) or 100% (preferred standard). The council's Core Strategy sets similar requirements in terms of run-off. Condition 19 would secure more detailed information, quantifying the performance of the planned SUDS measures in relation to these requirements. If further measures are required, consideration may need to be given, for example, to integrating a storage tank for gradual release of surface water into the public sewer system.

3.87 In terms of wider sustainability issues, the development has been designed to meet level 3 of the Code for Sustainable Homes and achieves Eco Homes 'Very Good', which demonstrates compliance with the London Plan policy on sustainable design and construction and is in accordance with the Council's recommendation.

CONSTRUCTION MANAGEMENT PLAN

3.88 A Construction Management Plan (CMP) and Construction Logistic Plan (CLP) would be required to ensure that there is no harmful impact on neighbours and on the local highways network. The CMP shall include details of control measures for dust, noise, vibration, lighting, delivery locations and working hours as well as details of any demolition works required to the existing building. The CLP shall be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These plans would be secured by legal agreement and approved details shall be implemented, as appropriate, throughout the project period.

4.0 LEGAL AGREEMENT

4.1 The applicant has agreed to enter into a legal agreement with the council with respect to the following heads of terms:

- The provision of 24 affordable intermediate (for sale) residential units
- £25k contribution towards local healthcare facilities
- Development to be car permit free, preventing future occupiers from obtaining residents on-street parking permits
- Funding of highways works, including the reinstatement of the crossover, provision of footway on Woodger Road and provision of additional parking bays on Woodger Road
- Marketing of wheelchair units
- A Construction Management Plan and Construction Logistics Plan to be provided

5.0 CONCLUSION AND RECOMMENDATION

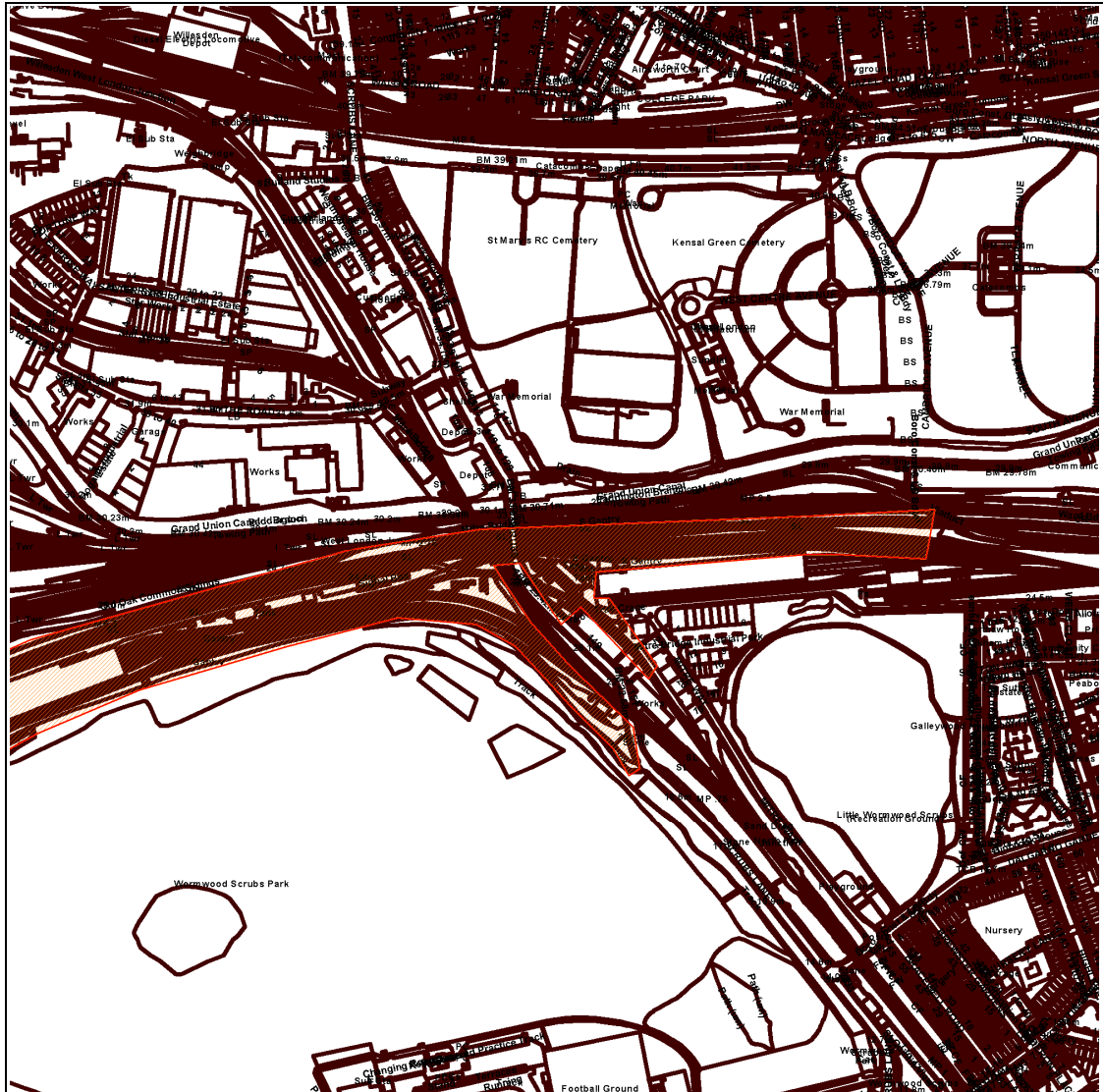
5.1 The proposed development accords with the Core Strategy and saved policies of the Unitary Development Plan, London Plan policies and Government guidance, which seeks to optimise the potential of sites. The loss of employment use is considered acceptable in this instance, and it would not harm the town centre or the setting of the nearby conservation area. The development would help the council meet its target for housing provision and 80% of the units would be affordable. The standard of proposed accommodation is acceptable. The scheme would have minimal impact on adjoining residents or on local traffic conditions and parking stress.

5.2 On balance officers consider that planning permission should be granted subject to conditions and following the completion of a satisfactory 106 agreement.

Ward: College Park And Old Oak

Site Address:

North Pole International Mitre Way London W10 6AT



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For identification purposes only - do not scale.

Reg. No:
2011/03005/FUL

Case Officer:
Neil Egerton

Date Valid:
08.09.2011

Conservation Area:

Committee Date:
11.01.2012

Applicant:

Hitachi Rail (Europe) Limited
C/o Agent

Description:

Continued use of the site as a train maintenance depot, including provision of new train wash, fuel and CET apron, modifications to existing maintenance shed, alteration/demolition of some existing buildings, erection of new related maintenance/servicing buildings, alterations to access.

Drg Nos: B1646600-NPL-DRG-CV000003 Rev P02, 000004 Rev P01, 000005Rev P01, 000006 Rev P01, 000007 Rev P01, 000008 Rev P01,000009 Rev P01, 000010 Rev P01, 000011 Rev P01, 000012 RevP01, 000013 Rev P01, 000014 Rev P01, 000015 Rev P01,000016 Rev P01, 000017 Rev P01, B1646600-NPL-DRG-EL 000001Rev P02, EL 000002 Rev P02.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the application be approved subject to the condition(s) set out below:

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

Condition required to be imposed under the discretion of the Local Planning Authority and following advice of the Chief Planner for Communities and Local Government by section 91(1)(b) and 91(2) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall not be carried out other than in accordance with the following approved plans:
B1646600-NPL-DRG-CV000003 Rev P02; CV000004 Rev P01; CV000005 Rev P01, CV000006 Rev P01, CV000007 Rev P01, CV000008 Rev P01, CV000009 Rev P01, CV000010 Rev P01, CV000011 Rev P01, CV000012 Rev P01, CV000013 Rev P01, CV000014 Rev P01, CV000015 Rev P01, CV000016 Rev P01, CV000017 Rev P01; B1646600-NPL-DRG-EL000001 Rev P02, B1646600-NPL-DRG-EL000002 Rev P02

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies EN2B and EN8 of the Unitary Development Plan, as amended 2007 and 2011.

- 3) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment

of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

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

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 5) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 6) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified

in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 7) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 8) Unless otherwise agreed in writing by the Council, the development hereby approved shall not commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

- 9) Prior to commencement / use of the development hereby approved, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together. 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 noise from mechanical installations/ equipment and their uses, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 10) No development shall commence until a fully detailed Sustainability Appraisal, incorporating an energy strategy, has been submitted to and approved in writing by the council. The approved details shall be carried out before any occupation of that part of the development to which the approved details relate and be retained in full working order for the lifetime of the development.

To ensure an energy efficient development to help reduce its carbon dioxide emissions, in accordance with Policies 5.2, 5.3, 5.6 and 5.7 relating to energy demand, energy efficiency and renewable energy of The London Plan 2011.

- 11) Prior to commencement of the development hereby approved, a Demolition Method Statement, a Construction Management Plan and a Construction Logistics Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations and working hours. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by dust from the building site, in accordance with Policies EN20A, EN20B, EN20C and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 12) Development shall not commence until a surface water drainage scheme for the site (in accordance with the principles set out in the Flood Risk Assessment (FRA) prepared by Jacobs (December 2011) and any subsequent addendums) based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the council. The surface water drainage strategy should seek to implement a SUDS hierarchy that aims to achieve a reduction in surface water run-off to Greenfield run-off rates in line with Policy 5.13 of The London Plan. As a minimum, discharge rates must be reduced to at least 50% of existing rates if Greenfield rates is not achievable, in line with Section 2.4.4 of the Supplementary Planning Guidance (SPG) on Sustainable Design and Construction. The surface water drainage scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the council.

Condition required by the Environment Agency, to ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2011 and Policy CC2 of the Core Strategy 2011.

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by vibration, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 14) Prior to a commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:1992.

To ensure that the amenity of occupiers of surrounding premises are not adversely affected by ground or airborne vibration, in accordance with Policies EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 15) Details of any proposed tannoys or public address systems to be used on site shall be submitted to and approved in writing by the Council. Approved details shall be implemented prior to use and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 16) Prior to commencement of the development hereby approved, details of any external artificial lighting shall be submitted to and approved in writing by the Council. Details shall demonstrate that vertical illumination of neighbouring premises is a maximum of 10lux at ground floor and 5lux at first and higher floor levels. The recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2005' shall also be met with regard to glare and sky glow. 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 EN20C and EN21 of the Unitary Development Plan, as amended 2007 and 2011.

- 17) The development shall not be occupied prior to the submission and approval in writing by the Council of a Travel Plan, which shall include information on how alternative methods of transport to and from the development, other than by car, will be encouraged by the applicants. No part of the development shall be used or occupied prior to the implementation of the Travel Plan in accordance with the approved details, and the Travel Plan shall thereafter continue to be fully implemented.

To ensure that the use does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in Policy TN13 of the Unitary Development Plan, as amended 2007 and 2011.

- 18) Prior to the commencement of development (excluding demolition), details of the vehicle (52 spaces) and cycle (40 spaces) parking spaces shall be submitted to and approved in writing by the council. The details shall be implemented prior to the development being brought into use and shall be maintained thereafter, unless otherwise agreed in writing by the council.

To ensure the provision of the parking spaces so that the development does not result in additional on-street parking stress in accordance with Policy TN13 and standard S18 of the Unitary Development Plan, as amended 2007 and 2011.

Summary of reasons for granting planning permission:

- 1) 1) Land Use: The continued use of the former rail maintenance depot as a maintenance depot for the Intercity Express Program is considered acceptable in principle. The construction of the associated replacement buildings are considered essential to the maintenance and cleaning of the rolling stock. The development allows for potential over-site development to accord with the Council's aspirations for the Park Royal Opportunity Area. The proposed development therefore accords with policies 2.13, 2.17, 6.1, 6.2, 6.5, 8.2 of The London Plan 2011, TN23 of the Unitary Development Plan, amended 2007 and 2011 and strategic policy A of the Council's Core Strategy 2011.
- 2) Siting Design and Appearance: The proposed replacement buildings are considered to be acceptable in terms of visual appearance and appropriate for the depot location. The buildings would be similar in scale to the buildings they are replacing on the existing site, in the surrounding railway lands. The proposed development therefore accords with policies EN2B, EN8 and EN21 of the Unitary Development Plan, amended 2007 and 2011.
- 3) Climate Change and Mitigation: The final details of sustainability and energy matters would be secured by condition. Adequate provision would be made for the storage and segregation of waste within the scheme. In this respect the proposals are considered to accord with policy 5.3 of The London Plan 2011, policy EN17 of the Unitary Development Plan, amended 2007 and 2011 and policies CC1 and CC2 of the Council's Core Strategy 2011.
- 4) Residential Amenity: The buildings would be geographically removed from noise sensitive premises, being largely surrounded by railway buildings. The closest residential buildings are some distance away, in the London Borough of Ealing. It is judged that there would be no significant impact on noise experienced by these residents and no new environmental impacts are considered to arise from the continued use of the depot for rail maintenance. In this respect the proposals accord with policy EN20B of the Unitary Development Plan, amended 2007 and 2011.
- 5) Heritage and Nature Conservation: The proposed buildings would be of a similar height and scale to other surrounding railway buildings on or around the site. Views of the facilities from the adjoining canal tow path would be limited due

to the topography of the site, being lower than the canal, separation distances and high security fencing and planting. Although to be illuminated at night, the site would be viewed against a backdrop of existing illuminated railway lines. Given the location of the buildings and nature of the surrounding uses, there would be no impact on views into and out of the conservation area or impact on the nature conservation area. In this respect, the proposal would accord with policies 7.8, 7.9, 7.19Db and 7.19E of The London Plan 2011 and policies EN2B and EN27 of the Unitary Development Plan, amended 2007 and 2011.

6) Transport and Traffic: The continued use of the site as a railway maintenance depot would have no significant impacts in relation to traffic. The development would be carried out in accordance with a construction management plan and green travel plan. In this respect the proposals are considered to be compliant with PPG13 and policy TN13 of the Unitary Development Plan, amended 2007 and 2011.

7) Land Contamination: A contaminated land statement summarises site history, previous ground investigations and sets out mitigation measures for the site. A detailed contaminated land study would be reserved by condition for future approval, and officers consider that mitigation measures would be developed in accordance with this desktop study. In this respect the proposal is considered to accord with PPS23.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 7th September 2011

Drawing Nos: see above

Policy Documents: The London Plan 2011
Unitary Development Plan as amended 2007 and 2011
Core Strategy 2011

Consultation Comments:

Comments from:

London Borough Of Brent
Environment Agency - Planning Liaison
London Borough Of Ealing
London Borough Of Brent
Environment Agency - Planning Liaison
British Waterways London
English Heritage London Region
Thames Water - Development Control

Dated:

29.11.11
22.12.11
28.10.11
01.12.11
08.11.11
21.11.11
06.12.11
24.10.11

Neighbour Comments:

Letters from:

Dated:

OFFICERS' REPORT

1.0 BACKGROUND

1.1 The application site is located in the north west of the borough (with part of the site in RBK&C and part in LB of Ealing) and is accessed from Mitre Way, which adjoins Scrubs Way. The site is part of the former Euro star train depot, and was used for stabling and maintenance of trains. The site is bounded to the north by operational railway land (part of Great Western rail tracks) and the Grand Union Canal, that part of the site west of Scrubs Lane is bounded by Wormwood Scrubs (Metropolitan Open Land), and to the west by Old Oak Common Lane. The land to the east of Scrubs Lane (within LBH&F) is bounded to the south by Mitre Way Bridge Industrial Park and by the Little Wormwood Scrubs Recreation Park. The site is owned by the British Railway Board (Residuary) (BRBR).

1.2 This area is identified in The London Plan 2011 as part of the Park Royal Opportunity Area and as a Strategic Industrial Location. These designations are included within the Core Strategy 2011 and specifically this site is identified in both the Strategic Policy for Park Royal and Strategic Site Policy PR2 for rail related uses. Although it is not itself located within a conservation area, the site is adjacent to the Grand Union Canal Conservation Area. The canal is also identified as a Nature Conservation Area of Metropolitan Importance. The site is located in Flood Risk Zone One, the area at least risk of flooding.

1.3 The existing site has an area of approximately 11.4 hectares within the Hammersmith and Fulham boundaries. It was last used as a train maintenance depot for the Euro star trains, and was used 24hrs a day seven days a week (with the majority of maintenance works carried out at night), which closed in 2007. The site contains several key facilities, including the Main Servicing Shed (a 400m long six track shed for light maintenance and cleaning), a repair shed (approximately 200m long with four tracks to carry out major repairs, including multiple bogie exchange); there is also a dedicated wheel lathe building, and an additional heavy repair facility (which includes the Bogie shed for single bogie changes. Furthermore, there is a range of specialised cleaning and servicing equipment, including a train washing machine, toilet emptying facilities, and water replenishment equipment.

1.4 In 2005, the Secretary of State for Transport approved plans to initiate the procurement of a national fleet of high speed trains for a period of 30 years by a single supplier. In this respect the Intercity Express Programme (IEP) is potentially the most significant rolling stock investment programme in the UK for over 30 years. The application has been submitted on behalf of Hitachi Rail Europe Ltd, who were appointed as the Department of Transport's preferred bidder for the Intercity Express programme. The consortium, known as Agility trains, in addition to providing rolling stock, is required to provide a network of modern maintenance depots, this site, and one in both Bristol and Swansea.

1.5 The planning application is for the continued use of the site as a train maintenance depot, including provision of new train wash, fuel and CET apron, modifications to existing maintenance shed, alteration/demolition of some of the existing buildings, erection of new related maintenance/servicing buildings, and alterations to access. The new buildings would have a footprint of 1,002 sqm, and the demolished buildings measure some 970 sqm. The size of the buildings have been determined by the facilities required to service, maintain and repair Intercity Express Trains. The key elements of the proposal can be summarised as follows:

- Provision of a carriage washer
- Provision of a CET (Controlled Emission Toilet) and fuelling apron
- Track modifications
- Provision of an emergency wash plant and bio clean pit
- Provision of cleaners' walkways and services to existing sidings
- Modifications to the existing maintenance shed interior
- Conversion of the existing CET apron to a hand washing apron
- Demolition of ten existing buildings, to facilitate the above works
- The works detailed above would include sidings for 4 full, and 20 half set Hitachi Super Express trains, staff accommodation for cleaners, a wheel lathe, upgrading and widening of the access to the site from Mitre Way including a footpath and new lighting, together with alterations and enhancements to mainline track and overhead traction power supply lines, landscaping measures, and low and high level lighting

1.6 Following a request for a screening opinion in July this year, the local authority confirmed that, having regard to the nature of the development, that the continued use of the site as a maintenance depot would have no significant environmental impacts over and above those existing for the authorised use and therefore a Environmental Statement (EIA) is not required to accompany the planning application.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by way of site notice and press advert. No responses have been received

2.2 The London Boroughs of Ealing, Brent and Kensington and Chelsea have been consulted. Brent and Ealing Council have confirmed that they have no objection to the development. No response has been received from RB Kensington and Chelsea.

2.3 In addition a number of statutory bodies have been consulted on the application and the following responses have been received.

2.4 The Environment Agency have raised no objections to the development following receipt of a revised Flood Risk Assessment, subject to a condition.

2.5 Transport for London have not commented on the application, although they have been involved in the planning application discussions and are supportive of the scheme.

2.6 British Waterways have no objection.

2.7 Thames Water has raised no objection but has suggested one informative.

2.8 Crossrail have not commented on the application.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations in this case are the principle of the proposed land use; the siting, design and appearance of the development including access; compliance with policies for climate change and mitigation; impact on residential amenity in terms of noise and air quality and impact on the adjoining nature conservation area and conservation area.

PRINCIPLE OF DEVELOPMENT

3.2 London Plan policy 2.17 states that 'The Mayor will and boroughs and other stakeholders should promote, manage and where appropriate protect the strategic industrial locations including some transport functions'. Policy 2.13 relates to opportunity areas and intensification areas and states that 'The Mayor will encourage boroughs to progress and implement planning frameworks to realise the potential of intensification areas and will provide strategic support where necessary. Planning decisions should realise the scope for intensification associated with existing or proposed improvements in public transport accessibility, such as Crossrail, making better use of existing infrastructure and promote inclusive access including cycling and walking'. London Plan policies 6.1, 6.2, 6.5 and 8.2 identify the delivery and funding of Crossrail as one of the Mayor's key priorities. It is one of the transport schemes which benefits from high priority and protection in terms of the need to ensure sufficient land for transport functions.

3.3. The Mayor's Transport Strategy (2009) sets the policy framework for transport in London and states that 'Crossrail is the biggest transport project in Europe and a scheme of national importance that will provide a rail spine across London from east to west. It is needed to underpin the most rapid economic growth areas of London and will be a significant capacity addition to the transport network'.

3.4 Unitary Development Plan policy TN23 identifies land safeguarded for future transport schemes, including Crossrail. Strategic policy A of the Council's Core Strategy states that the Council will encourage major regeneration and growth in five key regeneration areas. The area is identified as the Park Royal Opportunity Area and is identified as having the potential for provision of 1,600 homes and 5,000 jobs with its regenerative potential being dependent upon the provision of a Crossrail station and/or HS2 station. These designations are included within the Core Strategy 2011 and specifically this site is identified in both the Strategic Policy for Park Royal and Strategic Site Policy PR2 for rail related uses.

3.5 The former use of the site was that of rail maintenance depot until 2007 and as such the use of the site by Hitachi for a similar purpose is considered to acceptable in principle. The main site buildings will be retained with other smaller buildings being demolished and relocated within the existing site. The applicants are aware of the fact that Hammersmith and Fulham wish to regenerate the area given the potential for improved transport links arising from an interchange station between HS2 and Crossrail. Commitment was given to the Council during the passage of the Crossrail Bill through Parliament that 'the Promoter would be prepared to work with the Council in investigating future development.....'.

3.6 The applicants have confirmed in writing that Hitachi have developed a proposal whereby they believe that Hammersmith and Fulham's aspirations for a station at North

Pole can be accommodated with minimal impact to the stabling capacity and planned operation of the depot: This would involve:

- the development of an elevated station by LBHF and/or other agreed parties built over the top of the area indicated with an arrow and labelled in the Plan ('The Station');
- the provision and support of elevated pedestrian access only to the extent that this falls within the boundary of the depot that could provide a link from the elevated station across to Crossrail, Great Western and HS2 platforms north of the depot site;
- the development of an elevated section of track by LBHF and/or other agreed parties (the 'Elevated Track') built over the top of the stabling sidings at the east end of the Site in the area indicated with an arrow and labelled in the Plan (the 'Sidings Location') to access The Station;
- LBHF transferring the single lead connection from the Northbound West London Line (not including the 'flying' connection onto the Southbound Line which Hitachi needs to retain) to become part of the heavy rail network operated by Network Rail Infrastructure Limited or Rail for London or successor bodies ('The Connection Transfer').

Hitachi confirm to the Council that subsequent to a planning approval it will not undertake any works of a permanent nature without consulting with LBHF:

- in the Sidings Location that cannot be removed and which it knows will prevent the development of the Elevated Track or the elevated pedestrian access to the north of the depot site; or
- that will alter any of those elements of the connection that are located within the boundaries of the Site which it knows will prevent the Connection Transfer.

SITING, DESIGN AND APPEARANCE (INCLUDING ACCESS)

3.7 PPS1 requires planning to facilitate and promote sustainable and inclusive patterns of urban development whilst Core Strategy policy BE1 states that 'All development within the Borough, including the regeneration areas should create a high quality of urban environment that respects and enhances its townscape context and heritage assets'. Policy EN8 of the Unitary Development Plan relates to the design of new development and states that 'New development will not be permitted unless it is of a high standard of design and compatible with the scale and character of the existing development and its setting'. Recommendations for inclusive design are contained within Supplementary Planning Document 'Access for All'.

3.8 The application site was used as a rail depot until 2007 and is surrounded largely by commercial and industrial uses, with Wormwood Scrubs to the south. The nearest residential premises to the west of the site are in the London Borough of Ealing. These properties are on the opposite side of Old Oak Common Lane from the proposed Crossrail Depot (to north of site), at a higher level than the site. As such the topography largely screens the application site when viewed from the residential properties. The existing depot building would remain in situ, and the other replacement buildings would be 'dwarfed' by the existing maintenance shed. The replacement buildings would be largely utilitarian in design, but appropriate for their function and would largely be constructed in Kingspan Composite Cladding, Glasdon GRP Modular Housing, composite roof panels and steel doors.

CLIMATE CHANGE AND MITIGATION

3.9 PPS22 requires local planning authorities and developers to consider the incorporation of renewable energy projects in all new developments. Policy 5.3 of The London Plan relates to sustainable design and construction and states that 'Development proposals should demonstrate that sustainable design standards are integral to the proposal, including construction and operation and ensure that they are considered at the beginning of the design process. Major developments proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be demonstrated within a design and access statement'. Policy CC1 of the Core Strategy requires developments to make the fullest possible contribution to the mitigation of and adaptation to climate change. However, in this instance, the new buildings would primarily be tanks, plant rooms, a sub-station and new train washing facilities, these are not buildings where people would normally be present and as such there is an exemption under the Building Regulations for buildings of this type in terms of their performance. Notwithstanding this, the applicants have given a commitment to produce an energy statement to look at feasible energy efficiency measures and whether or not low/zero carbon energy generation technologies could be installed on-site. A Sustainability Appraisal would further consider sustainability measures such as resource use, materials, transport, waste reduction, pollution and ecology.

3.10 Officers are satisfied that these details can be satisfactorily resolved by way of an applicant's submission to discharge a condition, in order to be satisfied that the development complies with London Plan Policies 5.2, 5.3, 5.6 and 5.7 and Core Strategy policies CC1, CC3 and CC4 (condition 10 relates).

3.11 Core Strategy Policy CC2 relates to water and flooding and states that 'The Council will expect all development to minimise current and future flood risk and the adverse effect of flooding on people'. A flood risk assessment has been submitted, though some more information should be forthcoming. Information with regard to surface water drainage and sustainable urban drainage systems (SUDS) on site can be submitted by way of the applicant's compliance with a condition. Officers consider that condition 12 would ensure that information is submitted that demonstrates compliance with London Plan Policy 5.13 and Core Strategy CC2 on water and flooding.

RESIDENTIAL AMENITY

3.12 Policy EN20B of the UDP states that 'Noise generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing or proposed noise sensitive uses in the vicinity'. The site is geographically removed from noise sensitive premises, being surrounded by derelict, disused buildings or industrial premises. The closest residential premises are located in the London Borough of Ealing on the far side of Old Oak Common Lane. The Environmental Assessment Report for the EIA Screening has been produced to determine whether the development has new significant environmental impacts. The report concludes that the type and scale of the development would be the same as the previous use of the premises for the Eurostar Depot.

HERITAGE AND NATURE CONSERVATION

3.13 The site is within a Nature Conservation Area of Metropolitan Importance (Grand Union Canal and Old Oak Common Sidings Birch Woodland). London Plan policy 7.19Db gives strong protection of sites of metropolitan importance and policy 7.19E sets out a series of tests where proposals affect such areas. London Plan policies 7.8 and

7.9 set out the strategic approach to the protection and enhancement of London's rich built heritage. Policy 7.8C specifically states that 'Development should identify, value, conserve, restore, reuse and incorporate heritage assets, where appropriate'. A key consideration of the design is impact on historic assets in the vicinity and specifically whether it would preserve or enhance the character and appearance of the Grand Union Canal Conservation Area. Unitary Development Plan policies EN2B and EN27 reinforce The London Plan policies. The proposed relocated buildings would not, in officers' view, impact on the designated nature conservation area.

3.14 The site would be illuminated at night which would increase the opportunity to view the area, although this would be seen against the backdrop of the existing railway lines which are also illuminated. Lighting controls would ensure that the lighting is switched off outside the hours of darkness. Officers are satisfied that given the nature of the surroundings and location of the proposed facilities, that the proposals would not impact on views into and out of the conservation area or impact on the quality or use of the nature conservation area.

TRANSPORT AND TRAFFIC

3.15 PPG13 seeks to promote more sustainable transport choices for both people and moving freight; promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. Policy TN13 of the Unitary Development Plan states that 'All development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary road network'.

3.16 A transport statement has been submitted with the application, the findings of which officers concur with. A travel plan strategy provides an indication of how travel to/from the proposed depot would be managed. Officers propose to attach a condition to ensure that fully worked up details of the travel plan are submitted (condition 17).

OTHER MATTERS

3.17 PPS23 - Planning and Pollution Control - outlines the importance of planning in determining the location of any given development and subsequent pollutant sources which may be present or generated and that may pose a risk to human health.

3.18 A Contaminated Land Statement that accompanies the planning application summarises site history, details previous ground investigations and sets out a remediation strategy for the site. Conditions are recommended with regard to submitting further detailed information on contaminated land matters (conditions 3 to 8 relate). It is considered that the proposal would thereby be in accordance with the principles contained within PPS23 and local contaminated land policies - policies EN20A and EN21 of the Unitary Development Plan as amended 2007 and 2011, policy CC4 of the Core Strategy 2011, and policy 5.21 of The London Plan 2011.

4.0 CONCLUSION AND RECOMMENDATION

4.1 The continued use of the site as a train maintenance depot together with the provision of replacement buildings is judged to be acceptable in land use terms and the operation of which would be a major benefit to the regions and the British economy as a whole. Use of land at the depot is already established by the previous operation. The applicant has put forward possible design solutions to allow development above the existing maintenance building and has confirmed in writing (with sketch proposals to

demonstrate) that platforms could be provided to realise the Council's wider aspirations for delivery of a new piece of city in the area with a transport interchange linking HS2 and Crossrail.

4.2 It is therefore recommended that planning permission be granted for the development, subject to conditions.

Item:

The Chair of the Planning Applications Committee authorise committee services to organise with members a site visit of the application site visit (Ref: 2011/02940/OUT) prior to PAC in February. All members of the PAC including ward Councillors to be invited to attend.

Site:

Land north of Westfield Shopping Centre, Arial Way

Applicant:

Westfield Shoppingtowns Ltd

Proposal:

Outline Planning Application (All Matters Reserved) for comprehensive redevelopment of site to comprise a mixed use scheme consisting of new additions and alterations to the existing shopping centre, erection of three new blocks (Blocks A, B & C) ranging from 8-20 storeys (plus basement level) connected to a podium (above existing ground level) to the north of the shopping centre, erection of an 8-11 storey free standing block (Block D) to the south of Wood Lane Station, erection of a building up to 8 storeys to the west of DIMCO Building (Block E), erection of a 4-5 storey addition to western wall of the existing shopping centre (Block F) adjacent to Wood Lane, to facilitate the provision of up to 50,855 sqm Class A1 (Retail), up to 5,070sqm Classes A3, A4 and A5 (Restaurants, Cafes, Bars, Hot-food Take-away use), up to 540sqm Class B1 (Offices), up to 1,520sqm Class D1 (Community use) and up to 1,758sqm Class D2 (Leisure use) floorspace (All Gross Internal Areas) and up to 1,522 (Class C3) residential units with associated private and communal garden areas and amenity spaces (including balconies/terraces), provision of an energy centre together with associated development including new and enhanced public realm across the site with new open spaces, pedestrian and cycle routes, vehicular access and servicing facilities, retention of existing bus station, stabling area and DIMCO buildings and the demolition of existing industrial buildings and associated structures, the closure and alteration of highways (Revised Application and Description).

Information Note:
Community Infrastructure Levy (CIL)

Committee Date:

11.01.2012

Officer:

Rob Krzyszowski

Purpose:

For information only. No decision is required.

Background:

The Community Infrastructure Levy (CIL) is a new power in the Planning Act 2008 and detailed in subsequent CIL Regulations 2010 (as amended) which enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

Issues:

The Mayor of London is at an advanced stage in setting a CIL charge ('Mayoral CIL') for Greater London, which is anticipated to be in place for **1st April 2012**.

The Council is proposing to set a CIL charge in addition to the Mayoral CIL, although this is not anticipated to be in place until **Spring 2013**.

The Council as a 'collecting authority' is responsible for the collection of any CIL within its area once respective CIL Charging Schedules are published.

The communications plan of the CIL Project Board (chaired by the Bi-Borough Executive Director of Transportation & Technical Services) identifies PAC members as necessary stakeholders in the implementation of CIL in Hammersmith and Fulham due to the impact of CIL on the determination of planning applications and the negotiation of Section 106 agreements.

It is necessary to bring CIL to PAC members' attention because:

- The Mayoral CIL is anticipated to be in place for **1st April 2012**; and
- Section 143 of the Localism Act comes into force on **15th January 2012**, which means that any financial sum that an authority has received, will, or could receive in the payment of CIL, is capable of being taken into account as a material "local financial consideration" in planning decisions, so long as it is material to the application.

PAC members should be aware of these provisions. **Further detail, including Frequently Asked Questions (FAQs), is attached as Appendices 1 and 2.** These Appendices (subject to minor amendments) are also intended to be published on the Council's website on 16th January 2012 to provide information to other key stakeholders in the implementation of CIL, namely, members of the public, potential applicants, agents, landowners and developers.

Appendices:

- **Appendix 1** – CIL Webpage Text
- **Appendix 2** – CIL Collection Note DRAFT

Appendix 1 CIL Webpage DRAFT

[Home](#) > [Environment and Planning](#) > [Planning](#) > [Planning policy](#) > [Local Development Framework](#) > [Community Infrastructure Levy \(CIL\)](#)

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is a new power which enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

What development will be liable for CIL?

Development will potentially be liable for CIL if it:

- Is for a building into which **people normally go**; and
- Involves **new build of at least 100m²** gross internal area (GIA) floorspace; or
- Involves new build of less than 100m² GIA floorspace and the creation of **one or more dwellings**.
- This includes development permitted by a '**general consent**' (**including permitted development**) **commenced on or after 6th April 2013**.

Development will potentially not be liable for CIL if it:

- Involves only **change of use, conversion or subdivision** of, or creation of mezzanine floors within, a building which has been in lawful use for at least six months in the 12 months prior to the development being permitted and does not create any new build floorspace; or
- Is for a building into which **people do not normally go**, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery; or
- Is for a **structure which is not a building**, such as pylons or wind turbines; or
- Is permitted by a '**general consent**' (**including permitted development**) **commenced before 6th April 2013**; or
- Is for **social housing** and a claim for social housing relief is made and accepted before development commences; or
- Is for and occupied by a charity for **charitable purposes** and a claim for charitable relief is made and accepted before development commences; or
- Is for a use or area which benefits from a **zero or nil charge** (£0/m²) set out in a CIL Charging Schedule.

When will development be liable for CIL?

Development will be liable for CIL when:

- Development permitted by a '**general consent**' (**including permitted development**) **commences on or after 6th April 2013**; or
- Planning permission is granted through a **decision notice (or appeal decision) on or after the date of publication of a CIL Charging Schedule** for that area.

Mayor of London's (Mayoral) CIL Charging Schedule

The Mayor of London is proposing a CIL for Greater London for which a charge of £50/m² will be levied in Hammersmith and Fulham, although medical/health services and schools/colleges are proposed to have a zero or nil charge (£0/m²). The timescales for the Mayoral CIL are set out below:

- Preliminary Draft Charging Schedule consultation (January – March 2011)
- Draft Charging Schedule consultation (June – July 2011)
- Examination (November – December 2011)
- **Publication (anticipated 1st April 2012)**

Further information on the Mayoral CIL is available from the [Mayoral CIL Webpage](#) and the [Mayoral CIL Important Information Leaflet](#) [link TBC].

Hammersmith and Fulham CIL Charging Schedule

The Council is proposing to set a CIL charge in addition to the Mayoral CIL for which the anticipated timescales are set out below:

- Preliminary Draft Charging Schedule consultation (Early 2012)
- Draft Charging Schedule consultation (Summer 2012)
- Examination (Autumn/Winter 2012)
- **Publication (Spring 2013)**

Further information on the Council CIL as it emerges will be available on this webpage in due course.

Section 106 agreements (S106s) and tariffs

Following publication of a Council CIL, [S106s](#) will continue to be pursued, although their scope will be impacted by Section 122 of the CIL Regulations 2010, and will generally be used for provision of affordable housing and/or site-specific requirements. This will be further defined as the Council CIL Charging Schedule emerges, through publication of a 'Section 123 list' of infrastructure schemes.

In the [White City](#) and [South Fulham Riverside](#) areas, the Council may introduce area-based tariffs through Supplementary Planning Documents (SPDs) under the existing S106 legislation which may be applied in advance of a Council CIL being published, although this approach is subject to change and the SPDs should be referred to in the first instance. In the [Earls Court / West Kensington](#) area, a conventional S106 agreement is being pursued rather than an area-based tariff.

Who collects and pays CIL? What is the process?

The Council as a 'collecting authority' is responsible for the collection of any CIL within its area once respective Charging Schedules are published.

The owners of the relevant land are liable to pay CIL unless someone else (such as the developer) assumes liability.

There are certain important, statutory responsibilities for person(s) liable for CIL, and processes which must be followed, which are summarised in the Council's [CIL Collection](#) [\[link TBC\]](#) information document.

Where can I find more detail? What if my query is not answered here?

The Council has produced a [CIL Collection](#) [\[link TBC\]](#) information document to signpost to the detailed legislation and government guidance, and to answer frequently asked questions (FAQs).

Contact details

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Appendix 2

London Borough of Hammersmith and Fulham

Community Infrastructure Levy (CIL) Collection

DRAFT

December 2011



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Introduction

Status of this document

This document has been put together to complement information on CIL provided on the Council's webpage at www.lbhf.gov.uk/cil [link TBC]. Information in this document is drawn from a number of different sources for which the below colour scheme is used for ease of reference:

Government legislation and guidance	Other source of information	Council advice
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This document is intended for information only. It is neither a statement of law nor an interpretation of the law and its status is only a guide. It may not necessarily represent the most up-to-date legislation and guidance published by government. The information is provided on an 'as is' and 'as available' basis. Discretion should be exercised whilst using this document and independent advice may need to be sought.

Reference in the first instance should be made to published legislation and guidance, and in particular, that guidance regarding to CIL Collection:

- [Community Infrastructure Levy: An Overview](#) (May 2011)
- [Community Infrastructure Levy Relief: Information Document](#) (May 2011)
- [Community Infrastructure Levy – Collection and Enforcement: Information Document](#) (October 2011)

Department for Communities and Local Government (DCLG)

Should your query not be answered in published legislation or guidance, the frequently asked questions (FAQs) can be used as a guide, and following this, further advice can be sought using the contact details at the end of this document.

Legislation and guidance

Legislation

- [Planning Act 2008](#) (November 2008)
- [The Community Infrastructure Levy Regulations 2010](#) (March 2010)
- [The Community Infrastructure Levy \(Amendment\) Regulations 2011](#) (March 2011)
- [Localism Act 2011](#) (November 2011)
- [The Community Infrastructure Levy \(Amendment\) Regulations 2012 \(Draft\)](#) (October 2011, emerging)

Department for Communities and Local Government (DCLG) guidance

- [DCLG CIL Webpage](#)
- [Community Infrastructure Levy Guidance: Charge setting and charging schedule procedures](#) (March 2010)
- [The Community Infrastructure Levy: Summary](#) (November 2010)
- [Community Infrastructure Levy: An Overview](#) (May 2011)
- [Community Infrastructure Levy Relief: Information Document](#) (May 2011)
- [Community Infrastructure Levy – Collection and Enforcement: Information Document](#) (October 2011)
- [Community Infrastructure Levy: Detailed proposals and draft regulations for reform. Consultation](#) (October 2011)

Planning Portal guidance

- [Planning Portal CIL Webpage](#)

Planning Advisory Service (PAS) guidance

- [PAS CIL Webpage](#)
- [Charge Setting Myths](#)
- [Calculations](#)
- [FAQs](#)

Frequently Asked Questions (FAQs)

(1) What development will be liable for CIL?

Development will potentially be liable for CIL if it:

- Is for a building into which **people normally go**; and
- Involves **new build of at least 100m²** gross internal area (GIA) floorspace; or
- Involves new build of less than 100m² GIA floorspace and the creation of **one or more dwellings**.
- This includes development permitted by a '**general consent**' (**including permitted development**) commenced on or after 6th April 2013.

Development will potentially not be liable for CIL if it:

- Involves only **change of use, conversion or subdivision** of, or creation of **mezzanine floors** within, a building which has been in lawful use for at least six months in the 12 months prior to the development being permitted and does not create any new build floorspace; or
- Is for a building into which **people do not normally go**, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery; or
- Is for a **structure which is not a building**, such as pylons or wind turbines; or
- Is permitted by a '**general consent**' (**including permitted development**) commenced **before 6th April 2013**; or
- Is for **social housing** and a claim for social housing relief is made and accepted before development commences; or
- Is for and occupied by a charity for **charitable purposes** and a claim for charitable relief is made and accepted before development commences; or
- Is for a use or area which benefits from a **zero or nil charge** (£0/m²) set out in a CIL Charging Schedule.

See also: [S38-40, Community Infrastructure Levy: An Overview \(DCLG\)](#)
and [S6 and 40\(6\), CIL Regulations 2010](#)
and [S4\(1\) and 7, CIL \(Amendment\) Regulations 2011](#)
and [FAQs \(PAS\)](#)

(2) When will development be liable for CIL? How does CIL relate to planning permission and does it apply to general consents (including permitted development)?

Development will be liable for CIL when:

- Development permitted by a **'general consent' (including permitted development) commences on or after 6th April 2013**; or
- Planning permission is granted through a **decision notice (or appeal decision) on or after the date of publication of a CIL Charging Schedule** for that area.

See www.lbhf.gov.uk/cil [link TBC] for information on CIL Charging Schedules which affect the Hammersmith and Fulham area.

'General consents' include:

- Permitted development rights under the General Permitted Development Order (GPDO) 1995 (as amended);
- Consents granted for Nationally Significant Infrastructure Projects (NSIPs) by the Infrastructure Planning Commission (IPC) or Major Infrastructure Planning Unit (MIPU) of the Planning Inspectorate (PINS);
- Development consented through any Enterprise Zone, Simplified Planning Zone (SPZ), Local Development Order (LDO) or Neighbourhood Development Order (NDO); and
- Development consented through an Act of Parliament, for example, the Crossrail Act 2008.

See also: [S5 and S128\(2\), CIL Regulations 2010](#)
and [S42, Community Infrastructure Levy: An Overview \(DCLG\)](#)
and [S5, CIL Regulations 2010](#)

(a) When is CIL a material consideration in the determination of planning applications?

S143 of the Localism Act 2011 provides that any financial sum that an authority has received, will, or could receive in the payment of CIL, is capable of being taken into account as a material "local financial consideration" in planning decisions, so long as it is material to the application. S240(1)(i) brings S143 into force on 15th January 2012.

This means that from 15th January 2012, CIL will be a material consideration for any planning applications which will be liable to pay the Mayoral CIL from April 2012. In other words, any application which will have its final grant of planning permission from April 2012 will have CIL capable of being a material consideration.

See also: [S143 and S240\(1\)\(i\), Localism Act 2011](#)

(b) Will a development be liable to pay CIL if planning permission is granted before a CIL Charging Schedule is published?

No. There is no CIL liability for a planning permission if that planning permission was granted before the CIL Charging Schedule is published.

(c) Will a development be liable to pay CIL if there was a resolution to grant planning permission (e.g. subject to a S106 agreement or call-in) before publication of a CIL Charging Schedule, but the formal grant of planning permission is made after publication of a CIL Charging Schedule?

Yes. If a resolution to grant planning permission (e.g. subject to a S106 agreement or call-in) before a CIL Charging Schedule was published, but the formal grant of permission was made after the CIL Charging Schedule is published, it would be liable to pay CIL.

This is because any resolution to grant planning permission by the Committee does not formally grant planning permission as a decision notice cannot be issued until, for example, a S106 agreement has been signed, where required.

See also: [S5, CIL Regulations 2010](#)

(d) Will a development be liable to pay CIL if there was an outline planning permission before publication of a CIL Charging Schedule, but the approval of reserved matters / phases is made after publication of a CIL Charging Schedule?

No. If outline planning permission is granted before publication of a CIL Charging Schedule, but the approval of reserved matters / phases is made after publication of the CIL Charging Schedule, the approval of reserved matters / phases does not trigger a liability to pay CIL.

However, if the original outline planning permission is granted after publication of a CIL Charging Schedule, followed by the approval or reserved matters / phases at a later date, the approval of reserved matters / phases does trigger a new liability to pay CIL.

See also: [S8\(4\), S8\(5\) and 128\(1\), CIL Regulations 2010](#)
and [FAQs \(PAS\)](#)

(e) Will a development be liable to pay CIL if there was a full planning permission before publication of a CIL Charging Schedule, but the approval of pre-commencement conditions is made after publication of a CIL Charging Schedule?

No. If full planning permission is granted before publication of a CIL Charging Schedule, but the approval of pre-commencement conditions is made after publication of the CIL Charging Schedule, the approval of pre-commencement conditions does not trigger a liability to pay CIL.

However, if the original full planning permission is granted after publication of a CIL Charging Schedule, followed by the approval of pre-commencement conditions at a later date, the approval of pre-commencement conditions does trigger a liability to pay CIL.

See also: [S8\(6\) and 128\(1\), CIL Regulations 2010](#)

(f) Will a development be liable to pay CIL if there was a refusal of planning permission before publication of a CIL Charging Schedule, but an approval of planning permission on appeal is made after publication of a CIL Charging Schedule?

Yes. If planning permission was refused before the publication of a CIL Charging Schedule, but a grant of planning permission was made on appeal after publication of the CIL Charging Schedule, the development granted planning permission on appeal is liable to pay CIL.

See also: [S5, CIL Regulations 2010](#)

(g) Will a development be liable to pay CIL if there was a planning permission before publication of a CIL Charging Schedule, but an approval of a S73 application to vary or remove conditions of that planning permission is made after publication of a CIL Charging Schedule?

Yes. If full planning permission is granted before publication of a CIL Charging Schedule, but an approval of a S73 application to vary or remove conditions is made after publication of the CIL Charging Schedule, the approval does trigger a liability to pay CIL because it results in a new planning permission.

See also: [S5, CIL Regulations 2010](#)

(3) How will CIL be charged?

CIL must be charged in pounds per square metre on the net additional increase in floorspace of any given development. This will ensure that charging CIL does not discourage the redevelopment of sites.

Any new build – that is a new building or an extension – is only liable for CIL if it has 100 square metres, or more, of gross internal floor space, or involves the creation of additional dwellings, even when that is below 100 square metres. Whilst any new build over this size will be subject to CIL, the gross floorspace of any existing buildings on the site that are going to be demolished will be deducted from the final liability. Any floorspace resulting from the development to the interior of an existing building will similarly be deducted. Floorspace subject to demolition or resulting from change of use will only be disregarded where it has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted.

Source: [S39-40, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [S42, CIL Regulations 2010](#)

(4) How will CIL liability be calculated?

$$\text{CIL liability} = \frac{R \times A \times I_p}{I_c}$$

Where:

R = CIL rate for that area / use

I_p = index figure for the year in which planning permission was granted

I_c = index figure for the year in which the Charging Schedule containing rate R took effect

A = net chargeable area

$$= \frac{C_R \times (C - E)}{C}$$

Where:

C_R = gross internal area (GIA) of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area (GIA) of all buildings (excluding any new build) on completion of the chargeable development which:

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;
- (b) will be part of the chargeable development upon completion; and
- (c) will be chargeable at rate R.

C = gross internal area (GIA) of the chargeable development

E = an amount equal to the aggregate of the gross internal areas of all buildings which:

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and
- (b) are to be demolished before completion of the chargeable development

The index (I) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November for the preceding year

A building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

See: [Part 5, CIL Regulations 2010](#)
and [S7\(1\), CIL \(Amendment\) Regulations 2011](#)
See also: [Calculations \(PAS\)](#)

(5) What is gross internal area (GIA) floorspace?

Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor level.

Including:

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies, walkways, and the like
- Structural, raked or stepped floors are property to be treated as a level floor measured horizontally
- Horizontal floors, with permanent access, below structural, raked or stepped floors
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent
- nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Areas with a headroom of less than 1.5m (see APP 6*)
- Pavement vaults
- Garages
- Conservatories

Excluding:

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fire escapes
- Canopies
- Voids over or under structural, raked or stepped floors
- Greenhouses, garden stores, fuel stores, and the like in residential

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*APP 6

Rating – GIA is the basis of measurement in England and Wales for the rating of industrial buildings, warehouses, retail warehouses, department stores, variety stores, food superstores and many specialist classes valued by reference to building cost (areas with a headroom of less than 1.5m being excluded except under stairs)

Source: [Royal Institution of Chartered Surveyors \(RICS\)'s Code of Measuring Practice \(6th edition, with amendments\)](#)

(6) Are charities and social housing eligible for relief?

The regulations give relief from CIL in two specific instances. First, a charity landowner will benefit from full relief from their portion of the liability where the chargeable development will be used wholly, or mainly, for charitable purposes. A charging authority can also choose to offer discretionary relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes. The charging authority must publish its policy for giving relief in such circumstances. Secondly, the regulations provide 100 per cent relief from CIL on those parts of a chargeable development which are intended to be used as social housing.

To ensure that relief from CIL is not used to avoid proper liability for CIL, the regulations require that any relief must be repaid, a process known as 'clawback', if the development no longer qualifies for the relief granted within a period of seven years from commencement of the chargeable development.

Source: [S51-52 Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Community Infrastructure Levy Relief: Information Document \(DCLG\)](#)

and [Social Housing Relief Calculator \(PAS\)](#)

and [Form 2: Claiming Exemption or Relief \(Planning Portal\)](#)

and [Part 6, CIL Regulations 2010](#)

Although Discounted Market Sale (DMS) dwellings are considered 'affordable' for planning purposes, they are not considered 'social housing' for the purposes of CIL relief and therefore are liable to pay CIL.

See also: [Part 6, CIL Regulations 2010](#)

(7) What about exceptional circumstances?

Given the importance of ensuring that CIL does not prevent otherwise desirable development, the regulations provide that charging authorities have the option to offer a process for giving relief from CIL in exceptional circumstances where a specific scheme cannot afford to pay CIL. A charging authority wishing to offer exceptional circumstances relief in its area must first give notice publicly of its intention to do so. A charging authority can then consider claims for relief on chargeable developments from landowners on a case by case basis, provided the following conditions are met. Firstly, a section 106 agreement must exist on the planning permission permitting the chargeable development. Secondly, the charging authority must consider that the cost of complying with the section 106 agreement is greater than the CIL charge on the development and that paying the full charge would have an unacceptable impact on the development's economic viability. Finally, relief must not constitute a notifiable state aid.

Source: [S51-43, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Community Infrastructure Levy Relief: Information Document \(DCLG\)](#)
and [S55-58, CIL Regulations 2010](#)

The Charging Authority must have published a policy on exceptional circumstances relief before it can consider claims for such relief. The Mayoral CIL Webpage should be checked to see whether the Mayor of London has introduced an exceptional circumstances relief policy or not.

See also: [Mayoral CIL Webpage \(Greater London Authority\)](#)

(8) Can CIL payment be made in kind?

There may be circumstances where it will be more desirable for a charging authority to receive land instead of monies to satisfy a charge arising from CIL, for example where the most suitable land for infrastructure is within the ownership of the party liable for payment of CIL. Therefore, the regulations provide for charging authorities to accept transfers of land as a payment 'in kind' for the whole or a part of a CIL payment, but only if this is done with the intention of using the land to provide, or facilitate the provision of, infrastructure to support the development of the charging authority's area.

An agreement to make an in-kind payment must be entered into before commencement of development. Land that is to be paid 'in kind' may contain existing buildings and structures and must be valued by an independent valuer who will ascertain its 'open market value', which will determine how much liability the 'in-kind' payment will off-set. Payments in kind must be provided to the same timescales as cash payments.

Source: [S54-55, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Note on paying CIL in the form of land \(Planning Portal\)](#)
and [S73, CIL Regulations 2010](#)

(9) Who collects and pays CIL?

The Council as a 'collecting authority' is responsible for the collection of any CIL within its area (including the Mayoral CIL) once respective CIL Charging Schedules are published.

The owners of the relevant land are liable to pay CIL unless someone else (such as the developer) assumes liability.

See also: [S10, CIL Regulations 2010](#)

The responsibility to pay CIL runs with the ownership of land on which the liable development will be situated. This is in keeping with the principle that those who benefit financially when planning permission is given should share some of that gain with the community. That benefit is transferred when the land is sold with planning permission, which also runs with the land. The regulations define landowner as a person who owns a 'material interest' in the relevant land. 'Material interests' are owners of freeholds and leaseholds that run for more than seven years after the day on which the planning permission first permits development.

Although ultimate liability rests with the landowner, the regulations recognise that others involved in a development may wish to pay. To allow this, anyone can come forward and assume liability for the development. In order to benefit from payment windows and instalments, someone must assume liability in this way. Where no one has assumed liability to pay CIL, the liability will automatically default to the landowners of the relevant land and payment becomes due immediately upon commencement of development. Liability to pay CIL can also default to the landowners where the collecting authority, despite making all reasonable efforts, has been unable to recover CIL from the party that assumed liability for CIL.

Source: [S49-50, Community Infrastructure Levy: An Overview \(DCLG\)](#)
and [Part 4, CIL Regulations 2010](#)

(10) How is CIL collected?

There are certain important, statutory responsibilities for person(s) liable for CIL, and processes which must be followed, which are summarised below:

As soon as possible (and before development commencement at the latest)

- Liable person(s) must serve an Assumption of Liability Notice on the Collecting Authority to confirm liability.
- Liable person(s) must serve a Liability Transfer Notice on the Collecting Authority to inform of any changes in liability.
- If the Collecting Authority has to apportion liability it may seek information from the landowners through an Information Notice and can apply a surcharge.
- Liable person(s) must serve a Claim Exemption Or Relief Form on the Collecting Authority to claim any social housing, charitable or exceptional circumstances relief they consider relevant. Exemption cannot be claimed after commencement of development.

When planning permission is granted

- Collecting Authority must serve a Liability Notice on liable person(s).
- This will specify how much CIL is to be paid and when it is to be paid (after the development commences, in accordance with any Instalment Policy). The Liability Notice is not a demand for payment.

Before development permitted by a 'general consent' (including permitted development) commences

- Liable person(s) must serve a Notice of Chargeable Development on the Collecting Authority before the development commences.

When development commencement date is known

- Liable person(s) must serve a Commencement Notice on the Collecting Authority when it is known when the development is to commence.

When development commences

- Collecting Authority must serve a Demand Notice on liable person(s).
- Liable person(s) must pay CIL in accordance with the Demand Notice within 60 days, or in accordance with any published Instalment Policy. These payment windows are only available if the liable person(s) have formally assumed liability and served the Commencement Notice. If not, then payment is due on Commencement.
- If a development takes place in phases and there are reserved matters or conditions to be approved before each phase commences, then the trigger date is the date when the last reserved matter or the conditions are approved.
- If the Collecting Authority is unable to recover CIL demanded from liable person(s), it can serve a Default of Liability Notice to landowners.

There are financial and other penalties for non-compliance with procedures or for failure to pay CIL so person(s) liable should ensure they understand their responsibilities.

See also: [Community Infrastructure Levy – Collection and Enforcement: Information Document \(DCLG\)](#)

CIL charges will become due from the date that a chargeable development is commenced in accordance with the terms of the relevant planning permission. The definition of commencement of development for CIL purposes is the same as that used in planning legislation, unless planning permission has been granted after commencement.

When planning permission is granted, the collecting authority will issue a liability notice setting out the amount of CIL that will be due for payment when the development is commenced, the payment procedure and the possible consequences of not following this procedure.

CIL payment procedures encourage someone to assume liability to pay CIL before development commences. Where liability has been assumed, and the collecting authority has been notified of commencement, parties liable to pay CIL will always benefit from a 60 day payment window on any instalments policy a local authority may have in place. However, payments are always due upon commencement if no party assumes liability and/or no commencement notice is submitted before commencement.

If a charging authority wishes to set its own CIL payment deadlines and/or offer the option of paying by instalments, it must publish an instalments policy on its website and make it available for inspection at its principal offices. If the charging authority wishes to publish a new policy or withdraw the policy it must give at least 28 days notice before the new policy takes effect and/or old policy is withdrawn.

Source: [S45-48, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Community Infrastructure Levy – Collection and Enforcement: Information Document \(DCLG\)](#)

and [Note on consequences of failing to follow the CIL payment procedure \(Planning Portal\)](#)

and [Form 1: Assumption of Liability \(Planning Portal\)](#)

and [Form 3: Withdrawal of Assumption of Liability \(Planning Portal\)](#)

and [Form 4: Transfer of Assumed Liability \(Planning Portal\)](#)

and [Form 5: Notice of Chargeable Development \(Planning Portal\)](#)

and [Form 6: Commencement Notice \(Planning Portal\)](#)

and [Part 8, CIL Regulations 2010](#)

(11) Can CIL be paid in instalments?

It is understood that the Mayor of London intends to publish an Instalments Policy for collection of the Mayoral CIL. This policy will be required to be followed by the Council, as a Collecting Authority, until such a time when the Council publishes its own Instalments Policy, which can only be done once it has published its own CIL Charging Schedule.

See also: [Mayoral CIL Webpage \(Greater London Authority\)](#)

and [S69B, CIL Regulations 2010](#)

and [S9, CIL \(Amendment\) Regulations 2011](#)

(12) How will payment of CIL be enforced?

The vast majority of parties liable to pay CIL are likely to pay their liabilities without problem or delay, guided by the information sent by the collecting authority in the liability notice. In contrast to negotiated planning obligations which can cause delay, confusion, and litigation over liability, CIL charges are intended to be easily understood and easy to comply with. However, where there are problems in collecting CIL, it is important that collecting authorities have the means to penalise late payment and deter future non-compliance. To ensure payment, the regulations provide for a range of proportionate enforcement measures, such as surcharges on late payments.

In most cases, these measures should be sufficient. However, in cases of persistent non-compliance, the regulations also enable collecting authorities to take more direct action to recover the amount due. One such measure is the CIL Stop Notice, which prohibits development from continuing until payment is made. Another is the ability to seek a court's consent to seize and sell assets of the liable party. In the very small number of cases where a collecting authority can demonstrate that recovery measures have been unsuccessful, a court may be asked to commit the liable party to a short prison sentence.

The payment and enforcement provisions of the regulations add substantial protection for both charging authorities and liable parties compared with the existing system of planning obligations, particularly for small businesses which may not have easy access to legal advice.

Source: [S56-58, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Community Infrastructure Levy – Collection and Enforcement: Information Document \(DCLG\)](#)
and [Part 9, CIL Regulations 2010](#)

(13) What about CIL-related appeals?

The range of collection and enforcement powers are supported in regulations by the ability for person(s) connected with the payment of CIL to make various appeals in connection with decisions by the collecting authority. Appeals connected with the calculation of the chargeable amount and charitable relief will be considered by independent valuation agency officers, and appeals related to enforcement will be considered by the Planning Inspectorate.

The appeal process allows a liable person to request a review of the chargeable amount, which must be done within 28 days from the date on which the liability notice (that outlines the chargeable amount) has been issued. The collecting authority is required to review the calculation and it must be carried out by someone who is senior to the person who made the original calculation, and who had no involvement in that original calculation. A decision must be issued within 14 days, and this decision cannot be reviewed again.

All appeals must be made using the forms that are published by the Secretary of State (or forms substantially to the same effect). These can all be found on the Planning Portal.

The relevant appeals are:

- An appeal of the calculation of the chargeable amount following a review.
- If an owner of a material interest in land disagrees with an authority who has apportioned liability to pay the charge, then that person may appeal. The appeal must be made within 28 days.
- A relevant person can appeal any of the surcharges covered set out above. It can be appealed on the basis that it was calculated incorrectly, that a liability notice was not served or if the breach simply did not occur. The appeal must be made within 28 days.
- A relevant person can appeal a deemed commencement date if that person considers that the date has been determined incorrectly. An appeal must be made within 28 days.
- A relevant person can appeal against a stop notice. They can do so if a warning notice was not issued or the development has not yet commenced. An appeal must be made within 60 days.
- A person aggrieved by the levy of, or an attempt to levy, distress can appeal to the Magistrates Court. The Court must consider the case and can order the authority to pay compensation.

Source: [S4.1-4.5, Community Infrastructure Levy – Collection and Enforcement: Information Document \(DCLG\)](#)

See also: [Note on appeals procedure \(Planning Portal\)](#)
and [Part 10, CIL Regulations 2010](#)

(14) How is the overlapping of infrastructure funding from S106s and CIL avoided?

On the local adoption of CIL, the regulations restrict the local use of planning obligations to ensure that individual developments are not charged for the same items through both planning obligations and CIL. Where a charging authority sets out that it intends to fund an item of infrastructure via CIL then that authority cannot seek a planning obligation contribution towards the same item of infrastructure.

A charging authority may publish, on its website, a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. If a charging authority does not publish a list, then this would be taken to mean that the authority was intending to use monies raised from CIL for any type of infrastructure capable of being funded by CIL, and consequently that authority could not seek a planning obligation contribution towards any such infrastructure.

A charging authority can at any time update its published list of infrastructure projects or types of infrastructure. It may consider it expedient to update its list as its infrastructure priorities change over time. The process of updating the list is separate to the formal process of reviewing its charging schedule. If it wishes to update the list, the charging authority simply needs to amend the published list on its website.

Source: [S64-66, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Part 11, CIL Regulations 2010](#)

Following publication of a Council CIL, S106s will continue to be pursued, although their scope will be impacted by Section 122 of the CIL Regulations 2010, and will generally be used for provision of affordable housing and/or site-specific requirements. This will be further defined as the Council CIL Charging Schedule emerges, through publication of a 'Section 123 list' of infrastructure schemes.

In the White City and South Fulham Riverside areas, the Council may introduce area-based tariffs through Supplementary Planning Documents (SPDs) under the existing S106 legislation which may be applied in advance of a Council CIL being published, although this approach is subject to change and the SPDs should be referred to in the first instance. In the Earls Court / West Kensington area, a conventional S106 agreement is being pursued rather than an area-based tariff.

See also: [S106 Agreements \(LBHF\)](#)
and [White City \(LBHF\)](#)

and [South Fulham Riverside \(LBHF\)](#)
and [Earls Court and West Kensington \(LBHF\)](#)

(15) What about pooling S106 contributions?

On the local adoption of CIL or nationally after a transitional period of four years (6 April 2014), the regulations restrict the local use of planning obligations for pooled contributions towards items that may be funded via CIL. CIL is the government's preferred vehicle for the collection of pooled contributions.

Pooled contributions may be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by CIL. The limit of five applies as well to types of general infrastructure contributions, such as education and transport. In assessing whether five separate planning obligations have already been entered into for a specific infrastructure project or a type of infrastructure, local planning authorities must look over agreements that have been entered into since 6 April 2010.

For provision that is not capable of being funded by CIL, such as affordable housing, local planning authorities are not restricted in terms of the numbers of obligations that may be pooled, but they must have regard to the wider policies set out in Circular 5/05 *Planning obligations*.

Crossrail will bring benefits to communities across London and beyond and its funding will be met by a range of sources, including contributions from CIL and planning obligations. To effectively maintain the ability of planning obligations to raise monies for Crossrail, this restriction will not apply to planning obligations that relate to or are connected with the funding of Crossrail.

Source: [S67-70, Community Infrastructure Levy: An Overview \(DCLG\)](#)

See also: [Circular 5/05 Planning Obligations \(ODPM\)](#)

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