

London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 27th July 2016**

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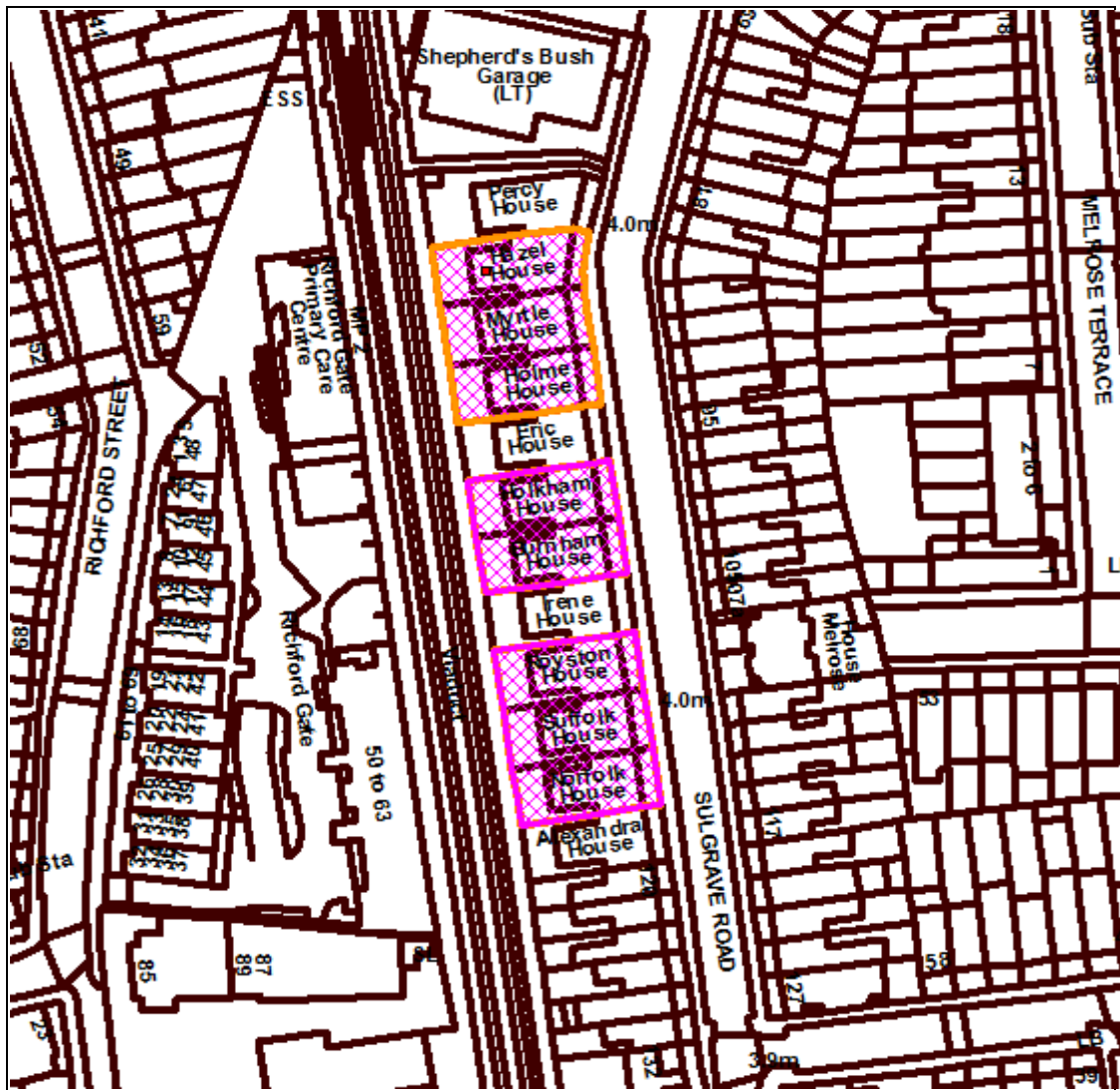
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**Ward:** Addison

**Site Address:**

Hazel House, Myrtle House, Holme House, Holkham House, Burnham House, Royston House, Suffolk House And Norfolk House, Sulgrave Road, London, W6



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For identification purposes only - do not scale.

**Reg. No:**  
2015/05734/FUL

**Case Officer:**  
Barry Valentine

**Date Valid:**  
18.12.2015

**Conservation Area:**  
Melrose Conservation Area - Number 26

**Committee Date:**  
27.07.2016

**Applicant:**

Mr David Farley  
12 Blacks Road Hammersmith London W6 9EU  
United Kingdom

**Description:**

Erection of rear roof extensions, erection of rear extensions at third floor level over part of the existing back additions in connection with the creation of self-contained studio flats and the formation of roof terraces at third floor level on top of each property: Hazel House, Myrtle House, Holme House, Holkham House, Burnham House, Royston House, Suffolk House and Norfolk House  
Drg Nos: P4003. 1 to 8 Rev K,P4004. 1 to 8 Rev G,P4006. 1 to 8 Rev E.P4005. 1 to 8 Rev F,

**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 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 only in accordance with the approved drawings: P4003. 1 to 8 Rev K, P4004. 1 to 8 Rev G, P4005. 1 to 8 Rev F, P4006. 1 to 8 Rev E.

To ensure that the proposal accords with the Council's policies as outlined in the Core Strategy (2011) and the Development Management Local Plan (2013).

- 3) The development hereby permitted shall not commence until particulars, details and samples of materials as appropriate to be used in the external faces of the buildings, has 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 prior to first use, and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 4) Prior to occupation of each additional residential unit hereby approved, a minimum of two additional 95 litre bins shall be placed in the frontage of each building in accordance with approved drawing no.P4006. 1 to 8 Rev E; and they shall thereafter be permanently retained for use by the residents of the property. All rubbish generated by the development shall be stored within the property; and in no circumstance shall rubbish generated by the development be placed on highway land.

To ensure that the use does not give rise to smell, nuisance and an accumulation of rubbish arising from the operation of the use in accordance with policies DM H5 of the Development Management Local Plan (2013) and SPD Sustainability Policy 3 of the Planning Guidance Supplementary Planning Document (2013).

- 5) Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, emission, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM J1, H5, H8, H9, H10 and H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2016) Policy 7.14.

- 6) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, and other matters relating to traffic management to be agreed. Details shall also be submitted of how construction of the development would not have an adverse impact on the operation of the over ground rail line to the rear of the site. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway and railway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM J1, J6, H5, H8, H9, H10 and H11 of the Development Management Local Plan (2013).

- 7) The development hereby permitted shall not commence until details of a Sustainable Urban Drainage System (SUDS) feasibility study, including maintenance programme if relevant has 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 2016, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 8) No occupier of the residential units hereby approved, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the high level of on-street car parking stress in the area, in accordance with Core Strategy (2011) policy T1 and policies DM J2 and DM J3 of the Development Management Local Plan (2013).

- 9) The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers of the residential units other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The development shall not be used otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the new residential units are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the high level of on-street car parking stress in the area, in accordance with Core Strategy (2011) policy T1 and policies DM J2 and DM J3 of the Development Management Local Plan (2013).

- 10) The development hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the residential units hereby approved. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the proposed residential units and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the high level of on-street car parking stress in the area, in accordance with Core Strategy (2011) policy T1 and policies DM J2 and DM J3 of the Development Management Local Plan (2013).

- 11) The development hereby permitted shall not commence until details, including a sample, of the proposed obscurely glazed enclosure to the terraces have been submitted to and approved in writing by the Council. The development shall be carried out in complete accordance with the details approved prior to occupation of the relevant flat in which the terrace relates, and shall be permanently retained as such.

To ensure a satisfactory external appearance and to ensure that the proposed development does not have an adverse impact on neighbouring living conditions, in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM A9, DM G3, DM G5 and DM G7 of the Development Management Local Plan (2013).

- 12) Prior to occupation of each of the residential units hereby approved, cycle storage as detailed on the approved plan P4006. 1 to 8 Rev E shall be fully installed within each residential block; and it shall thereafter be permanently maintained for this purpose.

To ensure the satisfactory provision of cycle parking, in accordance with Policy DM J5 of the Development Management Local Plan (2013).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 15) Prior to use of the relevant part of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/equipment, extract/ventilation systems and ducting are mounted with proprietary anti-vibration isolators as necessary, and that any fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure a satisfactory external appearance, in accordance with Policy DM G1 and DM G7 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011

### **Justification for Approving the Application:**

#### 1) LAND USE

The development would provide eight residential units which would make a positive contribution to the borough achieving its housing targets. The residential units are considered to be of a good quality and would provide an acceptable standard of residential accommodation. As such the proposed development is considered to be in accordance with London Plan (2016) Policy 3.3 and Table 3.1, Core Strategy (2011) Policy H1 and H3, Development Management Local Plan (2013) policies DM A1, DM A2 and DM A9. The proposed development is also thereby considered to accord with The London Plan (2016), in particular London Plan Policy 3.3 and Table 3.1.

#### IMPACT ON NEIGHBOURING PROPERTIES

The proposed development would not cause significant harm to neighbouring living conditions in terms of sunlight, daylight or outlook. The proposed development would have an acceptable impact on neighbouring privacy and in terms of noise disturbance. The proposed development complies with DMLP (2013) policies DM A9, DM G3 and DM H9.

#### VISUAL AMENITY / IMPACT ON CONSERVATION AREA

The proposed development would preserve the appearance of the property, terrace and the character and appearance of the conservation area, and the character and appearance of adjacent conservation area. The proposed extensions are considered to be of an acceptable scale and form that is in keeping with other developments that have been approved in both the conservation area and borough generally. The proposed extensions are of an acceptable standard of design and would utilise good quality materials that are in keeping with the appearance of the property. The proposed development complies with Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7. The proposed development is also considered to comply with guidance outlined within the Planning Guidance SPD (2013), namely SPD Design Policies 31 and 32. The proposal is also considered to comply with guidance contained within the Melrose Conservation Area Character Profile.

#### TRANSPORT

The proposed development would not cause significant parking stress in the area due to the development being car parking permit free. The proposed development provides a sufficient number of cycle parking spaces and sufficient waste and refuse storage. Conditions are recommended to help ensure that the impact of development during construction are appropriately mitigated. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2016) Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, Core Strategy (2011) Policies T1

and CC3, and Policies DM J1, DM J2, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013).

## ENVIRONMENTAL

Given that the development is located at roof level the development would not be at risk of flooding; or pose a risk in terms of land contamination. A Sustainable Urban Drainage System (SUDS) feasibility study would be required by condition. The proposed development would use solar thermal panels to help ensure that it is sustainable in terms of energy. The development would therefore be acceptable in accordance with London Plan (2016) Policy 5.13, Policies CC1 and CC2 of the Core Strategy (2011) and Development Management Local Plan (2013) Policy DM H3 and DM H7.

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

#### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 7th December 2015  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2015  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

#### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	05.01.16
Thames Water - Development Control	29.12.15
Transport For London - Land Use Planning Team	24.06.16

#### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
Flat 5 Holme House Sulgrave Road London W6 7QQ	31.05.16
Flat Ground Floor 120 Sulgrave Road London W6 7PU	14.01.16
Flat 5 Myrtle House Sulgrave Road London W6 7QG	12.12.15
Flat 6 Holme House Sulgrave Road London W6 7QQ	21.01.16
6 Suffolk House Sulgrave Road London W6 7QS	30.05.16
5 Myrtle House Sulgrave Road London W6 7QG	02.02.16
Flat 5 Hazel House Sulgrave Road London W6 7QF	25.01.16
Flat 5 Hazel House Sulgrave Road London W6 7QF	07.04.16
Flat 6 Burnham House Sulgrave Road London W6 7QW	19.01.16
2 Eric House London W6 7QL	12.01.16
5 Suffolk house Sulgrave Road London w6 7qs	13.01.16
Flat 3 Irene House, Sulgrave Road London w6 7QP	11.01.16



2 Myrtle House Sulgrave Road London W6 7QG	14.01.16
Flat 1, Royston House, Sulgrave Road Hammersmith W67QR	14.01.16
Flat 1, Royston House, Sulgrave Road Hammersmith W67QR	22.05.16
Flat 4 Burnham House Sulgrave Road London W6 7QW	15.01.16
Holkham House Sulgrave Road London W6 7QN	14.01.16
Flat 5 Burnham House Sulgrave Road, W6	20.01.16
Flat 2 Burnham House Sulgrave Road London W6 7QW	20.01.16
4 Holkham House Sulgrave Road London W6 7QN	18.01.16
Flat 1, Royston House, Sulgrave Road London W67QR	14.01.16
Flat 1, Royston House, Sulgrave Road London W67QR	16.05.16
6 Alexandra House Sulgrave Road London W6 7QU	15.01.16
101 Sulgrave Road London W6 7QH	10.01.16
101 Sulgrave Road London W6 7QH	22.05.16
5 Hazel House Sulgrave Road London W6 7QF	27.01.16
Flat 5 Myrtle House Sulgrave Road London W6 7QG	02.02.16
2 Eric House Sulgrave Road London W6 7QL	18.05.16
4 Hazel House Sulgrave Road London W6 7QF	31.05.16
6 Burnham House Sulgrave Road London W6 7QW	10.06.16
Flat 3 Holkham House, Sulgrave Road LONDON w6 7qn	28.05.16
Flat 3 Holkham House, Sulgrave Road LONDON w6 7qn	28.05.16
101 Sulgrave Road London W6 7QH	22.05.16
Flat 3, Myrtle House, Sulgrave Road London W6 7QG	26.05.16
Flat 6 Burnham House Sulgrave Road, W6	02.06.16
Flat 2 Burnham House Sulgrave Road, W6 7QW	02.06.16
NAG	15.06.16
Flat 3 Irene House, Sulgrave Road London W6 7QP	26.05.16
1 Holkham House, Sulgrave Road W6 7qn	31.05.16
1 Burnham House Sulgrave Road London W6 7QW	07.07.16

## BACKGROUND

1.1 On the east side of Sulgrave Road is a terrace of twelve, three storey high double bay fronted Victorian terrace houses. The names of these twelve buildings going from south to north are as follows: Alexandra House, Norfolk House, Suffolk House, Royston House, Irene House, Burnham House, Holkham House, Eric House, Holme House, Myrtle House, Hazel House and Percy House.

1.2 The proposed application relates to eight of these twelve buildings. The eight buildings subject to this application are as follows: Norfolk House, Suffolk House, Royston House, Irene House, Burnham House, Holkham House, Holme House, Myrtle House and Hazel House.

1.3 The site is located within Melrose Conservation Area. Fifty metres to the east of the site is the Hammersmith Grove Conservation Area.

1.4 The building is not listed. There are no listed buildings within the vicinity of the site whose setting would be impacted by the proposed development. Forty metres to the north of the site are 1 to 8 Railway Cottages, which are included on the local register as Buildings of Merit.

1.5 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent).

1.6 The site is located in Environment Agency's Flood Risk Zones 2 and 3.

1.7 Planning permission is sought for the creation of eight self-contained studio (C3) flats by erecting a rear mansard roof extension and rear addition roof extension with associated terrace area, on each of the following eight properties; Norfolk House, Suffolk House, Royston House, Burnham House, Holkham House, Holme House, Myrtle House and Hazel House.

Relevant planning history for the application terrace

1.8 Planning permission (2007/00434/FUL) was granted in April 2007 for the erection of a rear roof extension and to increase the existing ridge height by 300mm on each of the following buildings; Percy House, Hazel House, Myrtle House, Holme House, Eric House, Holkham House, Burnham House, Irene House, Royston House, Suffolk House and Norfolk House. The extensions would have provided additional residential floor space to existing flats located within each of the buildings.

More recent planning history for Percy House

1.9 Planning permission (2010/00790/FUL) was granted on the 10/06/2010 for the erection of a rear roof extension, including the raising of the ridge height by 300mm. This planning permission was renewed under planning permission (2013/01607/FUL) which was granted on the 17/06/2013.

1.10 Planning permission (2015/00344/FUL) was granted on the 25/06/2015 for the erection of a rear roof extension, including the raising of the ridge height by 300mm and the formation of a roof terrace.

More recent planning history for Irene House

1.11 Planning permission (2010/01622/FUL) was granted on the 01/09/2010 for the erection of a rear roof extension. Planning permission (2014/02692/FUL) was granted on the 04/08/2014 for the erection of a rear roof extension, involving an increase in the ridge height by 300mm; and the installation of two rooflights in the front roofslope.

More recent planning history for Eric House

1.12 Planning permission (2014/02854/FUL) was granted on 05/08/2014 for the erection of a rear roof extension, involving an increase in the ridge height by 300mm. Planning permission (2015/04272/FUL) was granted on the 04/11/2015 for the erection of a rear roof extension involving an increase in the ridge height by 300mm; and formation of a roof terrace over part of the existing back addition at third floor level (Amendments to previously approved planning permission ref: 2014/02854/FUL).

## PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by sending letters to one hundred and fifty two neighbouring properties and by erecting a site notice and placing a notice in the local press. Thirty five objections have been received from twenty five different people and twenty three different properties. The letters of objection are from residents at 101 and 120 Sulgrave Road, Myrtle House, Holme House, Eric House, Suffolk House, Irene

House, Royston House, Burnham House, Holkham House, Alexandra House and Hazel House.

2.2 The concerns of the objectors are summarised below:

- Impact of the development during construction in terms of noise, dust, scaffolding etc.  
Officers' response - Existing legislation including the Noise Act protects neighbouring properties amenity during construction. In this instance to help mitigate the impact of the development during the construction phase a condition is also recommended.  
(Condition no. 5)

- That the proposal will create more rubbish at the front of the building  
Officers' response - The proposed development would provide adequate waste storage to cope with the demands of the development. The development is considered to increase the waste allowance per unit, which will help alleviate the existing problem rather than make it worse.

- Noise nuisance from the new flats as they will not be properly insulated.  
Officers' response - A condition is recommended to ensure that there is adequate insulation between the proposed new residential units and the units located on lower floors. (condition no. 13)

- Noise nuisance from terraces  
Officers' response - The proposed terraces would not cause significant noise disturbance to neighbouring properties due to their small ( 6 sq.m) size which would limit the number of people which could use them at any one time. Any noise that would be generated from the terrace use would not be untypical for an urban environment.

- That the proposed works would have an adverse impact on the conservation area  
Officers' response - The proposed development would preserve the appearance of the property and the character and appearance of the conservation area. The proposed rear roof extensions are considered to be acceptable in principle, of an appropriate size, suitably designed and finished in traditional materials.

- Adverse impact on property values and will set a dangerous precedent for other properties in the neighbourhood.  
Officers' response - This cannot be considered as a material planning consideration.

- Adverse impact on structural integrity of building due to age of building.  
Officers' response - There is no reason to suggest that the development, given that it would need to comply with building regulations, would have an adverse impact on the structural stability of the property or neighbouring properties.

- Increased pressure on water pipes that may cause flooding.  
Officers' response - To mitigate the impact of the development in his respect it is recommended that a sustainable drainage strategy be secured by condition. (condition no. 7)

- That the proposed development would increase parking stress  
Officers' response - The proposed development would not materially increase parking stress in the area as the development would be car parking permit free.

- Concern relating to Building Regulations including access/corridor widths, mansard wall thickness, fire lobby, headroom above stairs and insulation thickness. Officers' response - These matters are subject to building regulations and cannot form a valid reason of refusal to the planning permission. The applicant has, however, provided a copy of an email from a Senior Building Control Surveyor for Regional Building Control who has reviewed the plans and is satisfied that the proposed development, as submitted, would comply with building regulations (if/when an application were to be made).

That the proposed unit would cause overlooking.

Officers' response - The proposed development would not cause significant harm to neighbouring privacy of existing residential units located within the neighbouring residential blocks. The window which would be located on the rear elevation of the main mansard roof extension would have not have any direct views into neighbouring habitable windows due to the relationship with neighbouring windows. There is a railway line to the rear; properties on Richford Street are a significant distance away. The proposed terraces and doors that face onto the terraces would not cause harm to neighbouring privacy; the terrace areas would be surrounded by 1.7m high privacy screens.

- Damage caused by building work

Officers' response - Residents of adjoining properties would be sufficiently protected by other legislation such as the Party Wall Act.

- Greater fire risk

Officers' response - The proposed development is not considered to pose a fire risk given that the development would need to meet Building Regulations requirements.

- Smells blowing from the terraces into neighbouring windows

Officers' response - The development is not considered to result in significantly levels of odour which would justify the refusal of planning permission due to the proposed properties being in residential use (so not commercial) and due to the small size of the terrace which would prevent them from being able to hold a significant number of people or types of activity.

- Impact on light

Officers' response - The applicant has supplied a sunlight and daylight assessment that demonstrates that the proposed development would not have an unacceptable impact on neighbouring properties' sunlight and daylighting conditions.

2.4 The Environmental Agency were consulted on the application. They note that the proposed development will result in a 'more vulnerable' use within a Flood Risk Zone but consider the development to be at a low risk of flooding.

2.5 Thames Water were consulted on the application. They have recommended that a condition be attached to the planning permission requiring the submission of a drainage strategy. Condition no. 7 requires the submission of a Sustainable Urban Drainage System (SUDS) feasibility study. (Officers' note: An informative would also be attached to a consent to recommend that water saving measures be installed within each of the new residential units).

2.6 Transport of London were consulted on the application. They have no objection but have requested that a condition be attached to the planning permission requiring the submission of a construction method statement (Officers' note: an informative is recommended) and a construction logistics plan (condition 7 relates).

### 3.0 CONSIDERATIONS

3.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF), The London Plan (as amended March 2016) and the Council's Local Development Framework, comprising the Core Strategy (2011), Development Management Local Plan (DMLP) (2013) and the Planning Guidance Supplementary Planning Document (PGSPD) are:

- + Principle of creating eight (C3) residential units.
- + The contribution that the new units would make to the borough housing stock in terms of the quality of residential accommodation that they provide.
- + The impact of the development on the character and appearance of the conservation area.
- + Impact of development on neighbours' amenity.
- + Impact of the development on parking demand and on the highway.
- + Impact of the development on the environment.

#### Design and conservation matters

3.2 Paragraph 56 of the NPPF states that great importance should be attached to the design of the built environment. Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'.

3.3 London Plan Policy 7.1 requires that all new development be of a high quality, requiring them to respond to their surrounding context, to improve access to social and community infrastructure, to contribute to the provision of high quality living environments, and to enhance the character, legibility, permeability and accessibility of the surrounding neighbourhood.

3.4 London Plan Policy 7.8 requires that development respects heritage assets by being sympathetic to their form, scale, materials and architectural detail.

3.5 Relevant local policies concerning the design of the proposed development are policy BE1 and of the Core Strategy (2011) and policies DM G3 and DM G7 of the DMLP (2013).

3.6 Policy BE1 of the Core Strategy 2011 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.

3.7 Policy DM G3 (Alterations and Extensions) of the DMLP (2013) states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations and extensions the council will consider the impact on the existing building and its surroundings and take into account the following:

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

3.8 Policy DM G7 (Heritage and Conservation) of the DMLP (2013) states that the council will '...aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'.

3.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.10 Melrose Conservation Area Character Profile states that front roof extension are generally unacceptable. It advises that the design of the rear roof extension should be sympathetic to the character of the conservation area. It states that in some cases, high visibility of the rear roof of properties may prohibit a roof extension where it would have a detrimental effect on the character of the conservation area.

3.11 The proposed development would not alter the ridge line of the terrace which would help to ensure that the appearance of the front elevation is not altered or harmed when viewed from street level. Set approximately 700mm back from the main ridgeline would be a 60cm high vertical face of the dormers. This vertical rise would not be widely visible from the street. The only real place that this element would be visible from in street views would be in long views in a short section of pavement in front of 69 Sulgrave Road, where the street turns. In such view this element is not considered to be

sufficiently harmful to the character and appearance of the conservation area due to the briefness of the view and the fact that the development would be read in the context of the already extended ridgeline of Percy House. The development could be visible from private views from upper windows. The impact of the development on these views is not considered to be significant, given that the dormers would only extend 60cm and be significantly set back from the main ridgeline.

3.12 The proposed development would not have an adverse impact on the Hammersmith Grove Conservation area, which is located to the west of the site, as the rear elevation of the application properties is not subject to extensive views. There are no immediate street views of the rear elevation of these properties due to the site backing onto the Hammersmith and City Tube line, and due to the built form of Richford Street. At the rear the upper levels of the elevations are only likely to be visible from some private views from properties within the blocks of houses (Percy to Alexandra), from the rear passage way, and in long private views from the rear elevation of properties in Richford Street.

3.13 Rear main roof extensions are a common and established form of development to this type of property within this terrace, conservation area and wider borough. The eight properties subject to this planning application form part of a terrace of twelve. Three of the other four properties not subject to this application, namely Irene House, Percy House and Eric House, already have rear roof extensions, all of which have been recently approved (see planning history). Rear mansard extensions have also been previously approved on eleven of the twelve properties in 2007 (the exception being Alexandra House) under planning reference 2007/00434/FUL. The principle of having a main rear roof extension is considered to be acceptable, especially given the limited street views available of the rear of these properties.

3.14 Rear addition roof extensions are also becoming an increasingly common form of development in the borough. Whilst the proposed rear addition roof extensions would be the first among this group of properties, they would not be deep, nor result in a dramatic alteration to the appearance of the rear of the properties. Furthermore, they would not likely be visible from street views; though there might be a long view in a short section of pavement in front of 69 Sulgrave Road, where the street turns. The development is not considered, in principle, to cause harm to the overall appearance of the property or the character and appearance of the conservation area.

3.15 The form and design of the proposed rear mansard extensions and rear addition extensions is considered to be appropriate. The rear mansard extensions would have a design which is in keeping with the parent property; they would have a 70 degree roof pitch, modest sized dormer windows that would be set below the ridge line and above the eaves that contain a two-over- two pane sash window which would match the fenestration pattern of the properties.

3.16 The proposed rear addition extensions would form suitably subservient additions to the roofs of these properties due to their limited depth at 2.3m; extending along the rear additions which measure 7m in depth. These extensions would also be appropriately angled on their rear and flank elevations.

3.17 The proposed roof terraces are considered to be acceptable. The terraces would not be highly visible from surrounding properties and would remain subservient to the original property by virtue of their small size; and due to the fact that they would be set

in from the rear elevation by 3m and the flank elevation by 2m. The proposed privacy screens would have a suitably lightweight appearance.

3.18 It is proposed to have slate roofing, lead lined dormers, timber framed windows and stock brick in the scheme. To ensure that the proposed external materials would have an appropriate traditional appearance a condition requiring further details and samples where necessary is recommended. (condition no. 3)

3.19 The proposed development would preserve the appearance of the property and the character and appearance of the conservation area. The proposed development complies with Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7. The proposed development is also considered to comply with guidance outlined within the Planning Guidance SPD (2013), namely SPD Design Policies 31 and 32. The proposal is also considered to comply with guidance contained within the Melrose Conservation Area Profile.

#### Creation of new flats/Density

3.20 Core Strategy policy H1 states that the council will look to exceed housing targets set out in The London Plan. The current London Plan target is for the delivery of 1,031 residential units per year in this borough. Core Strategy policy H1 states that this will be achieved by allowing homes to be created through conversion schemes and development of windfall sites.

3.21 The proposed development, by providing eight new residential units, would help contribute to the council achieving its housing targets in accordance with Core Strategy policy H1.

3.22 London Plan Policy 3.4 and Core Strategy policy H3 seek to ensure that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity. To aid this a density matrix table is provided in Table 3.2 of The London Plan which provides target density values for different types of locations (Suburban/Central/Urban) and PTAL ratings. This is supported by Policy DM A2 of the DMLP. The application site has a PTAL rating of 6a (excellent). According to The London Plan density matrix, the site should be considered to be set in an 'urban' location. The London Plan's recommended density range for sites in an 'urban' location is up to 700 habitable rooms per hectare.

3.23 The proposed site measure approximately 0.21 hectares. In terms of habitable rooms per hectare there are currently 144 habitable rooms in the eight blocks, which would increase to 152. The existing density of the site is 700.5hr/h which would increase to 719 hr/h. The proposal would not strictly comply with The London Plan's density matrix (mainly as the properties have only small rear gardens), but there would be only a marginal infringement; and it is already ever so slightly over London Plan. A similar density of development in terms of increasing the habitable rooms per hectare has already been approved at Percy House and Eric House, as well as previously approved in 2007. no objection is raised. Importantly, density cannot be looked at simply as a figure, and assessing the acceptability of any proposal on the basis of that alone is not appropriate; what needs to be considered is any harm that might arise from any infringement. The development is acceptable in all other regards; most importantly in design terms, quality of accommodation terms and that there would be no adverse



impact on neighbours' amenity. On that basis officers do not object to the density that would be created.

3.24 Core Strategy policy H4 seeks to ensure that developments provide a mix of housing types and sizes, in particular it seeks to increase the proportion of family accommodation. The proposed development would provide eight studio units. Not providing larger and family units is considered to be acceptable in this case, as to do so would require a significant increase in bulk of the development which in turn would likely have adverse impact on the conservation area and on neighbouring amenity.

3.25 Core Strategy (2011) policy H2 requires affordable housing to be provided on sites when a development provides, or is capable of providing, 10 or more newly built self-contained residential units. The proposed development would only create 8 newly built residential units and is therefore below the affordable housing threshold requirement. The site is not capable, in officers' view, of providing 10 or more new build residential units, as to do so would require a significant increase in bulk of the development, which in turn would likely have an adverse impact on the appearance of the property and the character and appearance of the conservation area. The extra bulk would also likely result in the development causing unacceptable harm to neighbouring amenity. Furthermore, the creation of additional units would also take the development significantly above the London's Plan Density Matrix recommendations. In this instance the non-provision of Affordable Housing is considered acceptable by officers.

#### Quality of residential accommodation

3.26 Housing quality is a key consideration in the assessment of applications for new developments. The London Plan seeks the delivery of new housing that is of a high quality of design. London Plan Policy 3.5 'Quality and Design of Housing Developments' says that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To ensure the delivery of high quality, well designed housing, the Mayor has prepared Supplementary Planning Guidance entitled 'Housing' (herein referred to as the Housing SPG). The document provides detailed guidance which seeks to assist in the design of new housing to ensure that new developments are of the highest quality and make a difference to the quality of life of new residents. The SPG is clear that increasing output (of housing) is not a simple end in itself - new housing must also enhance the environment, improve choice and affordability and provide better quality homes.

3.27 Borough Wide Strategic Policy H3 within the Core Strategy (2011) says that the council will expect all housing developments to respect the local setting and context, provide a high quality residential environment, be well designed and energy efficient, meet satisfactory internal and external space standards, and provide a good range of housing types and sizes.

3.28 DMLP (2013) Policy DM A2 says that 'All new housing must be of high quality design and take account of the amenity of neighbours and must be designed to have adequate internal space in accordance with The London Plan'.

3.29 DMLP (2013) Policy DM A9, entitled 'Detailed Residential Standards' says that the Council will ensure that the design and quality of all new housing is of a high standard. To assess this, the following considerations will be taken into account; and are discussed below

- Floor area
- Accessibility for disabled people
- Amenity and garden space provision
- A safe and secure environment
- Car parking and cycle parking
- Attenuation of surface water run off
- Sustainable energy matters
- Provision of waste and recycling storage facilities
- Noise insulation and layout to minimise noise nuisance between dwellings
- Protection of existing residential amenities

### Size of Units

3.30 London Plan Policy 3.5 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. London Plan (as amended 2016) Table 3.3 set out the minimum gross internal area for new flats.

3.31 The London Plan (as amended March 2016) requires studio units that have a shower to have a minimum floor area of 37 sq.m. All the proposed studio units have a floor area of 37.1 sq.m.

### Aspect and Outlook

3.32 The proposed units would be single aspect (west facing). Despite this, no objection is recommended to be raised given that the units would have good sized windows and would not face in a northerly direction.

### Daylight/Sunlight of New Dwellings

3.33 BRE guidance provides a method for calculating the luminance of a room called Average Daylight Factor (ADF). The BRE guidance sets the following recommended ADF levels for habitable room uses 1% Bedrooms, 1.5% Living Rooms and 2.0% Kitchens. The applicant has produced a sunlight and daylight report that shows the main living/dining/kitchen area within the development would achieve an ADF of 3.1%.

3.34 In regards to sunlight BRE guidance recommends that at least one window to a main living room would receive at least 25% of the annual probable sunlight hours (APSH) , including at least 5% APSH in the winter months (i.e 21st September and 21st March). The units would receive high levels of sunlight and exceed BRE requirements as windows serving the main living areas within the development would receive 34% to 35% of APSH in summer and 8% to 9% in the winter.

### Floor to ceiling heights

3.35 The London Plan (as amended March 2016) states that units should have 75% of their floor area with a minimum floor to ceiling height of 2.5m and above. The proposed units meet this target with 75% of the floor area being at 2.5m.

## External amenity space

3.36 The Mayor's Housing SPG Baseline Standards 4.10.1, 4.10.2 and 4.10.3 relate to private amenity space in new dwellings. The supporting text recognises that private open space is highly valued and should be provided in all new housing developments. The standard is quantified as 5 sq.m for 1 to 2 person dwellings and an extra 1 sq.m should be provided for each additional occupant. The standard recognises that in some cases, site constraints may make it impossible to provide private open space for all dwellings. All of the proposed units that would be provided by the development would meet this external amenity space standard by having 6 sq.m of external amenity space.

## Access matters

3.37 DMLP (2013) policy DM A9 'Detailed Residential Standards', DMLP (2013) Policy DM A4 'Accessible Housing' and SPD Design Policy 1 'Inclusive Design' of the PGSPD relate to ensuring that homes are accessible and meet 'Lifetime Homes' standards. The DMLP (2013) Policy DM A4 allows for some flexibility in the application of 'Lifetime Homes' recognising that this is not always feasible when new dwellings are formed in existing property.

3.38 Subsequent to the adoption of the above policies and guidance Lifetimes Homes has been superseded. Access requirements have now been incorporated into Building Regulations. The equivalent Building Regulations standard to Lifetimes Homes is M4 (2) 'accessible and adaptable dwellings'. To reflect this change The London Plan was amended in March 2016 with London Plan Policy 3.8 'Housing Choice' now requiring 90% of dwellings to meet M4 (2) Building Regulations requirement.

3.39 The key issue in ensuring that M4 (2) can be achieved within a development is to ensure, at the planning application stage, that the units can achieve level access. If level access cannot be reasonably achieved, then the units cannot be required to meet the M4(2) Building Regulations. In this instance it would not be reasonable to require the development to meet M4(2) as level access cannot be achieved due to site constraints associated with the development being located on the top of existing residential blocks.

3.40 The Mayor's Housing SPG sets out in Baseline Standard 3.2.6 states that it is desirable for dwellings entered at the fourth floor (fifth storey) and above to be served by at least one lift. In this instance, the dwellings would be located no higher than third floor (fourth storey) and so a lift would not be required. All units would be accessed via a communal entrance at ground floor level and then stairs.

## Noise disturbance to new units

3.41 The Housing SPG Baseline Standard 5.3.1 and London Plan Policy 7.15 state that the layout of adjacent dwellings and the location of lifts and circulation spaces should seek to limit the transmission of noise to sound sensitive rooms within dwellings. This policy is supplemented by DMLP (2013) Policies DM A9 and DM H9, both of which seek to ensure that development does not result in noise and disturbance to existing and future occupiers.

3.42 One potential source of noise to the proposed residential units is from the railway line behind the site which is approximately 14m away from the proposed terrace

doors/windows. Whilst this relationship is not an unusual one in London, to help mitigate the impact of noise from the railway line the applicant plans to install a ventilation system within the development that would allow occupiers of the new units to have their window and door shut if required.

3.43 Officers are satisfied that acceptable internal noise levels could be achieved within the units through adequate insulation. Condition 13 is recommended to ensure that this is secured.

3.44 Officers are satisfied that the proposed development would provide a high standard of residential accommodation that would make a positive contribution to the borough's housing stock

#### Impact on neighbouring living conditions

3.45 The proposed development would not have an unacceptable impact on neighbours' sunlight and daylight. The applicant has submitted a sunlight and daylight analysis which has been assessed by officers. The sunlight and daylight assessment measures the impact of the development on all habitable rooms within the twelve residential blocks in this location on the western side of Sulgrave Road. On the flank elevation of the rear addition adjacent to the rear main wall are non habitable rooms that are understood to serve bathrooms. These windows are likely to be impacted by the development, but given that they are non-habitable rooms no objection is recommended to be raised.

3.46 The submitted sunlight and daylight analysis demonstrates that all habitable windows within the measured neighbouring properties would pass the Vertical Sky Component (VSC) test, retaining a VSC in excess of 0.8 times their former value.

3.47 The applicant's sunlight model demonstrates that existing units would meet BRE guidance by either exceeding Annual Probable Sunlight Hours of 25% or when less, still retaining at least 0.8 times their former value.

3.48 The proposed development would not cause material harm to neighbours' outlook due to the main roof extensions being appropriately angled, and as there are no residential properties to the rear. The rear addition extensions would not cause material harm to neighbours' outlook, due to the fact that the extensions would be appropriately angled on their flank elevations, due to the modest length and as the main windows that would potentially be impacted on upon the flank elevation of the rear additions serve non-habitable rooms.

3.49 Guidance contained with SPD (2013) SPD Housing Policy 8 states that new habitable residential windows should not be less than 18m away from existing habitable residential windows. The proposed development complies with this guidance due to the fact that rear windows/doors on the development would overlook the railway line.

3.50 The proposed development would not cause material harm to the privacy of neighbours living within the twelve residential blocks. The windows located on the rear elevation of the main mansard roof extensions would be above existing windows on lower levels. Also, they would not have any direct views into neighbouring windows due to the roof level location and rearward facing position of the windows.

3.51 The proposed terraces and doors that would face onto the terraces would not cause harm to neighbours' privacy due to the terrace areas being surrounded by 1.7m high privacy screens. The proposed terraces would not cause significant noise disturbance to neighbours due to their small (6sq.m) size, which would limit the number of people which could use them at any one time.

3.52 Officers are satisfied that any impact of the development on neighbours' amenity arising from the use of plant and machinery (there would be ventilation units within the flats, and eight solar thermal water panels on the roof) could be sufficiently mitigated by condition (condition 14). In addition a condition to ensure that there is satisfactory insulation between the proposed units and the flats located on the floor below is recommended (condition 13).

#### Transport/Highways

3.53 Policy DM J2 of DMLP (2013) states that the developments should conform to its car parking standards. This policy confirms that the council have adopted the car parking standards as set out in The London Plan.

3.54 Policy 6.13 of The London Plan (as amended March 2016) states that the strategic policy of the London Mayor is 'To see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use'.

3.55 Policy 6.13 of The London Plan (as amended March 2016) refers to maximum parking standards that are set out in table 6.2. The 'parking for residential development' table states that developments in an urban setting should only have one space per unit. This table states that in areas of good public transport accessibility developments should aim for significantly less than 1 space per unit.

3.56 To ensure that the development complies with policy given the high PTAL rating of 6A (excellent), the development is required to be car parking permit free. The applicant has agreed to this. With conditions (condition nos. 8 to 10) to this effect, the proposed development complies with policy DM J1 of the DMLP (2013).

3.57 Development Management Local Plan (2013) policy DM J5 requires 1 to 2 bed units to have 1 cycle space. The applicant proposes to install a bicycle store under the existing communal staircase at ground floor level within each of the eight residential blocks to serve each of the proposed eight residential units. The proposed development therefore complies with DMLP (2013) DM J5. Condition 12 would secure this.

#### Environmental

3.58 Policy 5.2 (Minimising Carbon Dioxide Emissions) in The London plan states that 'The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for CO2 emissions reductions in buildings.' The policy then goes on to outline the stringent CO2 reduction targets compared to the Building Regulation minimum requirements. The policy also states 'Major development proposals should include a detailed energy assessment to demonstrate how the targets for CO2 emissions reduction are to be met'. Policy 5.3 of The London Plan on Sustainable Design and Construction also states that major developments should meet

the minimum standards outlined in the Mayor's SPG although there is also a more general reference to proposals demonstrating that sustainable design standards are integral to the proposal. The policies contained in the Core Strategy and Development Management Local Plan are in line with these standards.

3.59 As the proposed development is not classified as a major development, carbon saving measurements are not a policy requirement. The emphasis is therefore on encouraging applicants to introduce such measures. In line with this the applicant has indicated that eight solar thermal water panels would be installed on the roof. This is welcomed and would help to create a sustainable development.

3.60 The site is located in Flood Risk Zones 2 and 3. The proposed development would not increase the surface area coverage of the site and therefore the development is not considered to pose a significant flood risk. Located at roof level, the units would not be susceptible to flooding.

3.61 Though officers acknowledge that there is limited opportunity within the scheme to achieve sustainable drainage, condition no. 7 is recommended, which requires the submission of a Sustainable Urban Drainage System (SUDS) feasibility study.

#### Waste management

3.62 The applicant has submitted plans that show the provision of four bins to the front of each of the properties. A visit to the site by officers confirms this is likely to be an existing arrangement generally; although no bins were noted at Burnham House, and five bins were located at Holkham House and Holme House. There is considered to be sufficient room for at least eight 80-95l bins to be located in the frontage area of each property; in the pathway within the property curtilage. Officers are aware that residents are concerned about waste storage arrangements.

3.63 The applicant is proposing to place two additional bins adjacent to the front entrance next to the other bins. The bins would provide in total 190l of waste and recycling storage, which is considered to be more than sufficient waste storage for the additional studio flat. There is sufficient space to house the additional bins in the front of all of the properties.

3.64 Whilst it would normally be preferred that waste storage be provided in a dedicated enclosed storage area, this is not feasible in this instance. The front gardens to these properties are not large. If a bin store were to be built in the front garden then residents would have to walk in front of ground floor level windows in order to access it; which would cause harm to the privacy of residents living there. There would also be streetscene and conservation area implications to consider. The proposed solution is considered to be the best available given the site characteristics, and given the nature and extent of the proposal ie one additional small unit to existing residential blocks.

3.65 There would be more bins located in the frontages, but given the current appearance of this part of the property and the current bin arrangement, this would not be considered to be sufficiently harmful to the appearance of the property or the character and appearance of the conservation area to justify refusal planning permission.

## COMMUNITY INFRASTRUCTURE LEVY

3.66 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the development according to the figures provided in the applicant's mayor CIL form is estimated to be liable for a £14,800 payment. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.67 The borough's own community infrastructure levy came into effect on 1st September 2015. The site is located in the 'Central B' charging zone. The rate for this zone for the creation of residential floorspace is £200/sq.m. The proposed development is estimated to be liable for a payment of £59,200 under the borough's CIL. This payment would go towards infrastructure projects and needs including health, education, community safety, leisure and parks, waste and street enforcement, community investment, economic development, libraries, environmental health, drainage and flooding, basic transport infrastructure and public realm improvement.

### Local services

3.68 The scheme has been assessed for its likely impact on local services, and given the modest number of units included in the development; it is considered that the development would not result in substantial demands on local services.

## 4.0 CONCLUSIONS and RECOMMENDATION

### LAND USE

4.1 The development would provide eight good quality residential units which would make a positive contribution to the borough achieving its housing targets. The residential units are considered to be of a good quality and provide an acceptable standard of residential accommodation. As such the proposed development is considered to be in accordance with London Plan (2016) Policy 3.3 and Table 3.1, Core Strategy (2011) Policy H1 and H3, Development Management Local Plan (2013) policies DM A1, DM A2 and DM A9. The proposed development is also considered to accord with The London Plan, in particular London Plan Policy 3.3 and Table 3.1.

### IMPACT ON NEIGHBOURING PROPERTIES

4.2 The proposed development would not cause significant harm to neighbouring living conditions in terms of sunlight, daylight or outlook. The proposed development would have an acceptable impact on neighbouring privacy and in terms of noise disturbance. The proposed development complies with DMLP (2013) policies DM A9, DM G3 and DM H9.

### VISUAL AMENITY / IMPACT ON CONSERVATION AREA

4.3 The proposed development would preserve the appearance of the property, terrace and the character and appearance of the conservation area, and the character and appearance of adjacent conservation area. The proposed extensions are considered to be of an acceptable scale and form that is in keeping with other

developments that have been approved in both the conservation area and borough generally. The proposed extensions are of an acceptable standard of design and would utilise good quality materials that are in keeping with the appearance of the property. The proposed development complies with Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7. The proposed development is also considered to comply with guidance outlined within the Planning Guidance SPD (2013), namely SPD Design Policies 31 and 32. The proposal also considered to comply with guidance contained within the Melrose Conservation Area Profile.

## TRANSPORT

4.4 The proposed development would not cause significant parking stress in the area due to the development being car parking permit free. The proposed development provides a sufficient number of cycle parking spaces and sufficient waste and refuse storage. Conditions are recommended to help ensure that the impact of development during construction are appropriately mitigated. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2016) Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, Core Strategy (2011) Policies T1 and CC3, and Policies DM J1, DM J2, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013).

## ENVIRONMENTAL

4.5 The small impact of the development on flooding can be appropriately managed and mitigated via condition. Given the development is located at roof level the development does not pose a risk in terms of land contamination. The proposed development also makes contributions such as the use of solar thermal panels to help ensure that it is sustainable in terms of energy. The development would therefore be acceptable in accordance with London Plan (2016) Policy 5.13, Policies CC1 and CC2 of the Core Strategy (2011) and Development Management Local Plan (2013) Policy DM H3 and DM H7.

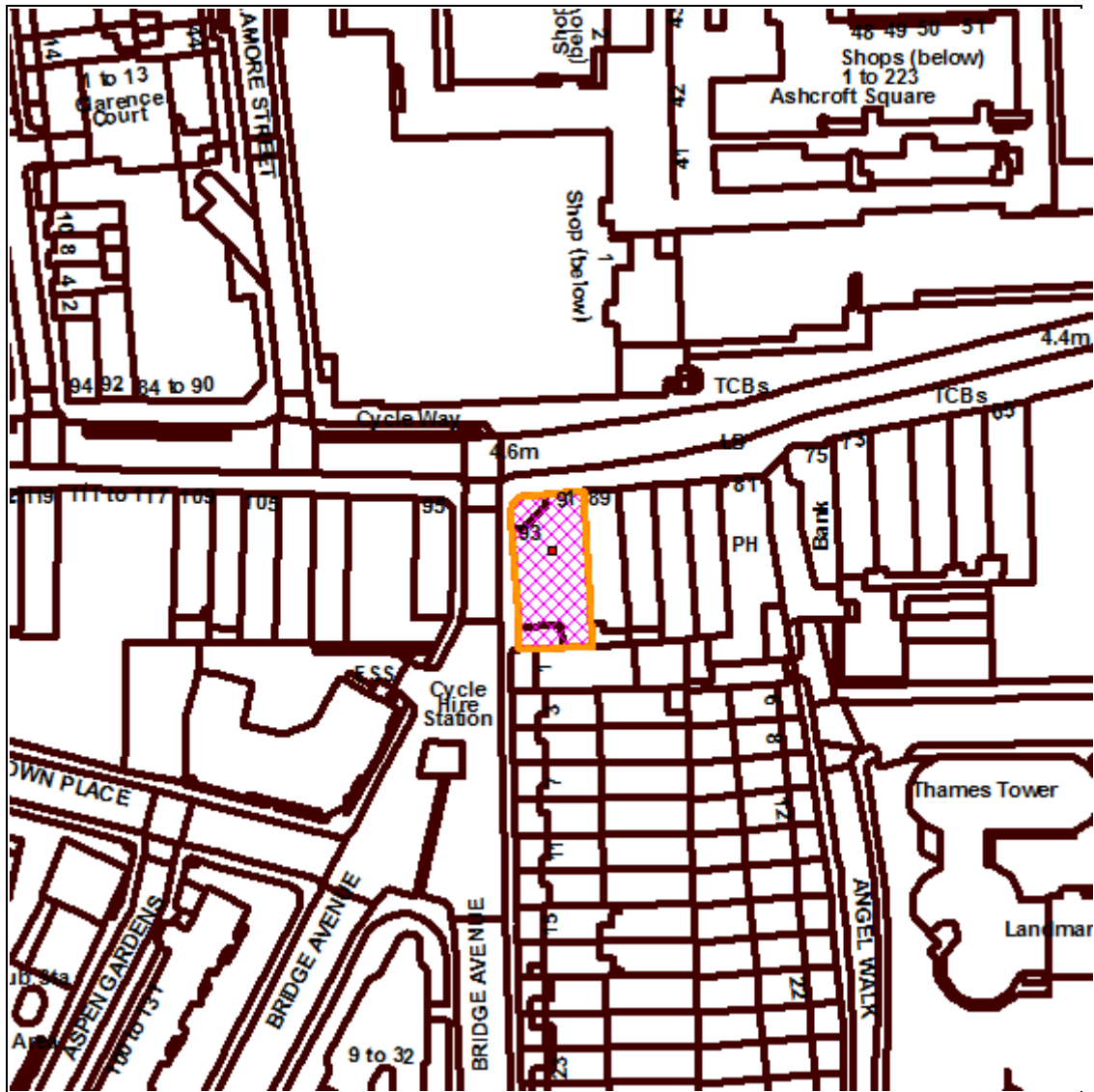
4.6 It is recommended that planning permission be granted, subject to conditions.



**Ward:** Hammersmith Broadway

**Site Address:**

91 - 93 King Street London W6 9XB



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**Reg. No:**  
2016/00573/FUL

**Case Officer:**  
Sarah Macavoy

**Date Valid:**  
09.02.2016

**Conservation Area:**  
King Street (East) Conservation Area - Number 37

**Committee Date:**  
27.07.2016

**Applicant:**

Medley Assets Ltd  
C/o 4 South Ealing Road London W5 4QA

**Description:**

Erection of additional floor above the main roof; erection of a front infill extension at ground floor level and installation of new shopfront; erection of rear extensions at first and second floor level; excavation in connection with the creation of a new basement to be used as part of the commercial unit (Use Class A2) at ground floor level; erection of an external staircase from ground to first floor level at the rear of the property; alterations to fenestration of rear and side elevations; formation of new residential entrance on Bridge Avenue; in connection with change of use of the first and second floor levels from commercial (A2) to residential, plus use of the new third floor as residential, to provide 2 x studio, and 5 x two bedroom self-contained flats (C3)  
Drg Nos: 009 (Rev D); 010 (Rev F); 011 (Rev D); 012 (Rev E); 013 (Rev D); 014 (Rev C); 030 (Rev C); 031 (Rev C); 032 (Rev E); 040 (Rev G); 041 (Rev F); 042 (Rev F).

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Director of Planning and Development 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: 009 (Rev C); 010 (Rev E); 011 (Rev C); 012 (Rev D); 013 (Rev C); 014 (Rev C); 030 (Rev C); 031 (Rev C); 032 (Rev C); 040 (Rev E); 041 (Rev E); 042 (Rev E).

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 DM G3 and DM G7 of the Development Management Local Plan (2013) and Policy BE1 of the Core Strategy (2011).

- 3) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details and samples of all materials to be used on the external faces of the new building. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DM G3 and DM G7 of the Development Management Local Plan (2013), and Policy BE1 of the Core Strategy (2011).

- 4) Prior to occupation of the hereby approved residential flats, the existing render to the front and side elevations shall be removed and the brick work and pointing made good.

To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy 2011 and policy DM G3 and DM G7 of the Development Management Local Plan 2013.

- 5) Prior to commencement of the development hereby approved, details of the residential entrance on Bridge Avenue, in terms of drawings at a scale of no less than 1:20 and samples or particulars of materials, shall be submitted to and approved in writing by the council. The development hereby permitted shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policy DM G3 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 6) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the elevations of the building fronting King Street or Bridge Avenue.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM G3 and G7 of the Development Management Local Plan (2013).

- 7) The raised party walls shall be constructed in brickwork to match the property and shall not project more than 250mm above and beyond the main roof structure.

To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy (2011) and policies DM G3 and G7 of the Development Management Local Plan (2013).

- 8) Prior to occupation of the residential development hereby permitted the rooflights to the front and side roof slope of the property shall be installed as conservation style rooflights, and they shall be maintained as such thereafter.

To ensure a satisfactory external appearance and to prevent harm to the conservation area, in accordance with Policy BE1 of the Core Strategy (2011), and Policies DM G3 and DM G7 of the Development Management Local Plan (2013).

- 9) The flat roof above the second floor extension hereby approved, shall not be used as a terrace or other amenity space, except as detailed on approved drawing no. 013 Rev. D, which would provide an external roof terrace of 12 sq.m. only to serve flat 7 located at third floor level. The flat at third floor level shall not be occupied until an enclosure is erected around the 12 sq.m. terrace; details of which shall have been submitted to and approved in writing by the council; and provided in accordance with these approved details. The enclosure shall thereafter be

permanently retained as such. No railings, fences, walls or other means of enclosure shall be erected around any other part of the flat roof, and no alterations to the property shall be made to form access onto any other part of the roof, beyond that detailed on approved drawing no. 013 Rev.D.

The use of more of the flat roof as a terrace that has been approved would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to policy CC4 of the Core Strategy (2011), policies DM A9 and DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 10) Prior to commencement of the development hereby permitted a statement of how Secured by Design requirements are to be adequately achieved shall have 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 Policies DM A9 and DM G1 of the Development Management Local Plan (2013).

- 11) Prior to commencement of the residential development hereby approved, a noise assessment shall be submitted to the Council for written approval detailing external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, and of acoustically attenuated mechanical ventilation to achieve internal room - and external amenity noise standards - in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the residential development hereby permitted and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development is not adversely affected by noise from transport noise sources, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 13) Prior to commencement of the residential development hereby approved, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain

commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the residential flats and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 14) Prior to commencement of the residential development hereby approved, a report including detailed information on the proposed mechanical ventilation system with NOx filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake locations and the design details and locations of windows on residential floors to demonstrate that they avoid areas of NO2 or PM exceedance or include appropriate mitigation. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

To ensure that occupiers of the development are not adversely affected by air quality, in accordance with London Plan 2011 policy 7.14, and Core Strategy 2011 Policy CC4.

- 15) No occupiers of the residential flats hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of receipt.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 16) The residential flats hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the units. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan

2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 17) The residential flats hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The residential dwellings shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the dwellings concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 18) The eight cycle parking spaces for the residential units as detailed on approved drawing no: 010 Rev F shall be fully provided prior to occupation of the hereby approved flats; and thereafter be permanently retained.

To ensure the satisfactory provision of cycle parking, in accordance with Policy DM J5 of the Development Management Local Plan 2013.

- 19) The refuse/recycling storage for the residential units as detailed on approved drawing no: 010 Rev F shall be fully provided prior to occupation of the hereby approved flats; and thereafter be permanently retained. Refuse shall not be placed on the highway, other than on collection days.

To ensure that the use does not give rise to smell nuisance and to prevent harm arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the DM Local Plan 2013.

- 20) The A2 use at ground and basement level shall not be occupied until the refuse and recycling storage as detailed on approved drawing no: 009 Rev D at basement level has been fully provided, and it shall be permanently retained thereafter. Refuse shall not be placed on the highway, other than on collection days.

To ensure that the use does not give rise to smell nuisance and to prevent harm arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the DM Local Plan 2013.

- 21) Prior to commencement of the development hereby approved, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles (including tracking plans). The CLP shall also identify efficiency and sustainability

measures to be undertaken while the development is being built. Approved details shall be implemented throughout the project period.

To ensure that development works do not adversely impact on the operation of the public highway, in accordance with Policies DM J1 and DM J6 of the Development Management Local Plan 2013.

- 22) 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 any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the work. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM H9, H10 and H11 of the Development Management Local Plan 2013

- 23) The development hereby permitted shall not be occupied or used until the flood resilient design measures identified in the submitted Flood Risk Assessment (dated 17/11/2015) submitted are fully implemented. The measures shall thereafter be permanently retained.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of The London Plan (2016), Policy CC1 and CC2 of the Core Strategy (2011), National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012) and Policy DM H3 of the Development Management Local Plan (2013).

- 24) The development hereby permitted shall not commence until a drainage strategy, detailing any on and/or off site drainage works, has been submitted to and approved by the council. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Condition required by Thames Water, to ensure that sufficient capacity is made available to cope with the development and in order to avoid adverse environmental impact, in accordance with Policy 5.13 of The London Plan, 2016.

- 25) Prior to the occupation or use of the basement level extension hereby approved, water using facilities or appliances shall be protected by a non-return valve or other suitable device.

Condition required by Thames Water, to protect the property from flooding, in accordance with Core Strategy (2011) Policy CC2, London Plan (2011) Policy 5.12 and Part 10 of the NPPF.

- 26) Prior to the occupation of the flats hereby permitted the permeable paving and soft landscaping shown on approved drawing no: 010 Rev F shall be installed; and it shall be permanently retained thereafter.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan, 2016, Policy CC2 of the Core Strategy, 2011, and policy DM H3 of the Development Management Local Plan, 2013.

- 27) 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 28) 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 29) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall



commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 30) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 32) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 33) No excavation shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the council. No demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
  - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

To record and advance the understanding of any heritage assets discovered on site, in accordance with the National Planning Policy Framework (Section 12) and London Plan (2011) Policy 7.8.

- 34) Prior to commencement of the development hereby approved details of the shopfront and fascia, at a scale of no less than 1:20, shall be submitted to and approved in writing by the council. The commercial (A2) use shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such. The shopfront glazing

shall not be mirrored, painted or otherwise obscured and shall remain as such permanently.

To ensure a satisfactory external appearance, in accordance with Policy DM G3 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 35) No advertisements shall be displayed on either the external faces of the commercial (A2) use and/or inside associated windows, without details of the advertisements having first been submitted to and agreed in writing by the Council.

In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G3, DM G7 and DM G8 of the Development Management Local Plan 2013.

### **Justification for Approving the Application:**

1) Land use

The proposal would provide seven residential units which would make a contribution to the Council achieving its housing targets; and which would not impact on the viability of the existing commercial property; in fact the professional/financial service use would have an increased floor area. As such the proposed development is considered to be in accordance with London Plan (2016) Policy 3.3 and Table 3.1, Core Strategy (2011) Policy LE1, Hammersmith Town Centre Strategic Policy in the Core Strategy (2011), and Development Management Local Plan (2013) Policies DM A1, DM B1, DM C1 and DM C2.

Design

The proposal would achieve a high quality of design that is compatible with the existing form and architectural character of the building and the surrounding townscape. Further to this, the proposal would not harm the character or appearance of the King Street (East) Conservation Area, nor the character, appearance or setting of the Grade II Listed Nos.1 to 31 Bridge Avenue (odd numbers). Therefore the scheme complies with the NPPF, Policies 7.1, 7.3, 7.4 and 7.6 of The London Plan (2016), Policy BE1 of the Core Strategy (2011) and Policies DM G3 and DM G7 of the Development Management Local Plan (2013).

Quality of Accommodation and Safety

Subject to conditions the development would provide an acceptable standard of accommodation and a safe and secure environment for all users in accordance with London Plan (2011) Policy 3.5 and 7.3, Core Strategy (2011) Policy H3 and Policies DM A9, DM A2 and DM G3 of the Development Management Local Plan (2013).

Impact on Neighbouring Properties

The impact of the proposed development upon adjoining occupiers is considered acceptable with no unacceptable noise, overlooking, loss of sunlight or daylight, outlook or loss of privacy, which would 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 DM G3, DM H9 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

#### Transport

Subject to conditions there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure a car permit free scheme and acceptable provision of cycle parking and refuse storage would be made. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2016) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16, Core Strategy (2011) Policies T1 and CC3, and Policies DM J1, DM J2, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013).

#### Environmental

A Flood Risk Assessment (FRA) has been submitted and has considered flooding matters, and adequate preventative measures have been identified. Details of SUDS would be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2016) Policies 5.11, 5.12, 5.13, 5.14 and 5.15, Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the DM LP (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

#### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 8th February 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2015  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

#### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	17.02.16
Historic England London Region	01.03.16
Hammersmith & Fulham Historic Buildings Group	17.02.16

#### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
Henrietta House Henrietta Place London W1G 0NB	23.03.16
Flat 3 5 Angel Walk London W6 9HX	21.03.16

## OFFICERS' REPORT

### 1.0 BACKGROUND

1.1 The application property is a three storey end of terrace building, with a part single and part two storey back addition, located on the corner of King Street and Bridge Avenue. The building is occupied by Halifax Bank (Class A2) at ground floor level with ancillary floorspace at first and second floor level providing office space, ancillary office facilities and storage. The commercial unit is primarily accessed from the King Street frontage of the property. A fire exit at the rear of the property opens onto Bridge Avenue.

1.2 The site forms part of the prime retail frontage within the Hammersmith Town Centre; and is within the Hammersmith Regeneration/Opportunity Area. The site is also within the King Street (East) Conservation Area and the Environment Agency's Flood Risk Zones 2 and 3. The properties to the rear (odd Nos.1 to 31 Bridge Avenue) are Grade II Listed Buildings. The site is adjacent to an archaeological priority area.

1.3 There are a number of relevant planning records. Planning permission was granted under ref: 1990/01483/FUL, for the erection of an extension at first floor level for office purposes. Planning permission was granted under ref: 1996/01717/FUL, for the erection of a first floor rear extension to no. 93 rear extensions to nos. 91 and 93 at ground floor level and alterations to the rear elevations. Planning permission was granted under 1997/00432/FUL for the change of use from retail shop (Class A1) to financial and professional services (Class A2). Planning permission was granted under ref: 1998/00969/FUL for the installation of new shopfront.

1.4 The scheme proposes:

- o excavation of a basement level for use as Class A2 (financial/professional services) floor space (278sqm), connected to ground floor A2 use;
- o reconfiguration of the existing ground level for continued Class A2 use (253sqm), including removal of an existing 'overhang' at King Street, and installation of a replacement shopfront;
- o erection of a part single/part two storey rear extension on top of the existing back addition and erection of an additional floor at roof level, along with conversion of the existing upper floors; in connection with the creation of 7 self-contained flats (5 x 2 bedroom and 2 x 1 bedroom studios).

1.5 The scheme was revised since receipt; primarily to change the mix of the unit sizes.

### 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by way of site and press notice and letters to neighbouring properties. Two responses objecting to the proposal were received - one from Flat 3, 5 Angel Walk, and one from the Halifax Bank which can be summarised as follows;

- o Overlooking from proposed third floor windows and terrace into rear gardens and

- o the rear windows of Angel Walk and Bridge Avenue properties.
- o Extensions at No.89 King Street should not be used as a precedent for No.91-93 King Street.

(Officers' comment: All planning applications are assessed on their merits. The planning permission approved at No.89 does not act as precedent for an automatic approval in this instance; however the character of surrounding properties is a material consideration that must be considered as part of the assessment.)

- o Allowing development of a third floor at No.91-93 King Street would be out of keeping with the scale of existing building.
- o Loss of outlook to Angel Walk and Bridge Avenue properties.
- o The commercial operator currently occupying the property has concerns with continued operation at the property during and following the proposed works. (Officers' comment: The operational concerns of the current commercial occupier of the property during the construction period are not a material planning consideration. The planning process should not generally be used to protect or promote the viability of any individual business)
- o If the proposed commercial unit is not suitable for the current occupier a prominent corner unit in the town centre would remain vacant.
- o Not all residential units would have access to private outdoor amenity space or sufficient internal space above minimum standards to compensate for this lack of amenity space.
- o One residential unit is below The London Plan minimum floor space requirement.
- o Poor standard of natural light would be received by nearly 40% of the windows of the proposed residential units.
- o No noise assessment submitted.

2.2 Officers' response: All material planning matters raised are assessed in the body of the report.

2.3 Thames Water has responded to the consultation request and has sought the inclusion of a condition to address wastewater infrastructure. This has been included as condition 24. Thames Water has requested a non-return valve be installed to protect the property from back flow of the sewerage network; see condition 25. It was also recommended to attach informatives to any approval to inform the applicant of the need to apply for a groundwater risk management permit and to contact Thames Water in regards to works within 3 metres of public sections of pipes.

2.4 Historic England (Historic Applications) has responded to the consultation request to advise that the proposal falls outside the remit of Historic England's statutory provisions to comment on applications.

2.5 Historic England (Greater London Archaeological Advisory Service) has responded to the consultation request to advise that they have identified the application is likely to cause some harm to archaeological interest but not sufficient harm to justify a refusal of planning permission provided a pre-commencement condition is attached requiring a scheme of investigation for the site. See condition 34.

2.6 The Metropolitan Police's Crime Prevention Design Adviser was consulted; but did not comment.

2.7 The Environment Agency were consulted, but did not comment.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues to be considered in light of relevant national, regional and local policies and guidance are:

- o the principle of development in land use terms;
- o housing mix and density;
- o affordable housing provision;
- o design, scale and appearance of the development;
- o the impact on the character, appearance and setting of the conservation area and listed buildings;
- o the impact on the amenities of residents in the locality;
- o the quality of the proposed residential units;
- o highways impacts and parking,
- o environmental matters; and
- o any other material considerations.

#### LAND USE

3.2 Core Strategy (2011) policy LE1 requires the Council to retain premises that are capable for providing accommodation for local services or employment. Development Management Local Plan (2013) Policy DM B1 provides further support for the retention of existing employment uses. The proposal site is within the Hammersmith Town Centre and is identified as a prime retail frontage. Development Management Local Plan Policies DM C1 and DM C2 are relevant in this instance.

3.3 The property is occupied by an A2 use (professional/financial service) at ground floor level with ancillary floorspace at first and second floor level providing office space, associated facilities and storage. The proposal would retain the ground floor commercial unit currently in A2 use; however the upper floors would be converted into self-contained residential units. Excavations to create a basement level for use as A2 space would offset the loss of A2 floor space to residential. The proposal would retain 253sq.m of A2 floor space at ground floor level and the excavation of the basement level would provide an additional 278sqm of ancillary A2 floor space. The proposal would result in an overall loss of 44sqm of commercial floor space. The loss of this commercial floor space is considered to be acceptable, given its size and having regard to the land use benefits (additional flats) that would be achieved in the scheme overall. The basement level A2 floor space would ensure that the commercial use would remain viable. The proposal would thereby be in keeping with the Hammersmith Town Centre Strategic Policy in the Core Strategy which aims to provide employment in the town centre and maintain Hammersmith as a major town centre.

3.4 A representation has been received objecting to the proposal on the grounds that the proposed commercial unit at ground and basement level would not be suitable for the current commercial occupier. The representation contends that the commercial occupier may vacate the site leaving a prominent corner property in the town centre vacant with a consequent impact on the vitality and viability of the town centre. This is noted. However, the planning process cannot be used to protect or promote the viability of an individual business.

3.5 The National Planning Policy Framework (2012) identifies the need for additional housing and sets out ways in which planning can significantly boost the delivery of housing through the preparation of policy documents. The London Plan (2016) identifies that London desperately needs more homes (paragraph 3.13) and this is recognised in Policy 3.3 'Increasing Housing Supply'. Paragraph 3.14 of The London Plan says that 'the city's population is growing and that delivering more homes which meet a range of needs, are of a high design quality and are supported by essential infrastructure is a particular priority over the London Plan period'. To meet this need, The London Plan sets a target for the delivery of a minimum of 1,031 new dwellings per annum in Hammersmith and Fulham (London Plan Table 3.1). At the local level, Development Management Local Plan 2013 (DM LP) Policy DM A1 says that 'The Council will meet and where possible, exceed The London Plan target by supporting the delivery of houses on identified sites, windfall sites and as a result of change of use'.

3.6 The proposal would provide seven (C3) residential units which would make a contribution to the Council achieving its housing targets and, as discussed above, it is considered the proposal would not impact on the viability of the existing commercial unit. As such the proposed development is considered to be in accordance with London Plan policy 3.3 and Table 3.1, Core Strategy Policy LE1 and Development Management Local Plan Policies DM A1, DM B1, DM C1 and DM C2.

#### UNIT MIX AND DENSITY

3.7 Core Strategy (2011) Policy H3 entitled 'Housing quality and density' says that, amongst other things, development, subject to the size of the scheme, should provide a good range of housing types and sizes. Development Management Local Plan (2013) Policy DM A3 supports a mix of unit types and sizes. Paragraph 4.13 of the DM LP recognises a particular need for additional family sized accommodation (3+ beds) in the borough. In this case, Officers note that the development is of a relatively minor scale, providing seven additional dwellings, and would be located at first floor and above, within a town centre. The proposal would provide 5 x two bedroom flats and 2 x one bedroom/studios. One 3-bed family flat was originally proposed, but the mix was revised following officers' concerns that there would have been no amenity space associated with the flat. It is considered that given the town centre location and site constraints such that no ground level garden could be provided, the mix proposed is acceptable, and the development generally accords with the aims of policy H3 of the Core Strategy.

3.8 London Plan Policy 3.4 and Core Strategy Policy H3 seek to ensure development achieves the optimum intensity of use compatible with local context, design principles and with public transport capacity, with consideration for the density ranges set out in Table 3.2 of The London Plan. This is supported by DM LP Policy DM A2. The site is considered to have characteristics of both 'central' and 'urban' in relation to the GLA density matrix in Table 3.2. The table gives central areas an indicative density range of 650-1100 habitable rooms per hectare (hr/ha). Urban areas have an indicative density range of 200-700 hr/ha. The site comprises 0.0327 hectares. The proposed seven units would result in a density of 611 hr/ha, which falls within the acceptable density range for an urban area but below the central area range as recommended in The London Plan. The density is considered appropriate however, given the mixed use nature of the scheme, the property's location and relationship to neighbouring buildings, including design and impact on neighbours.

#### AFFORDABLE HOUSING



3.9 London Plan Policies 3.10-3.13, London Housing Strategy (June 2014) and Core Strategy Policy H2 are relevant. The scheme would provide seven private market housing units. The proposed number of units is below the threshold for which affordable housing is generally sought; but the Council would need to be satisfied that the proposal is optimising the site appropriately; such that additional units could not reasonably be created which might result in a need to provide affordable housing.

3.10 As discussed above, the mix of unit types and sizes is considered acceptable in this instance. The proposal would provide 5 x two bedroom flats and 2 x one bedroom/studio flats. None of the units would excessively exceed The London Plan minimum space standards. As discussed later in the report, taking account of the streetscape and conservation area setting, it is considered unlikely that an increased volume of development at the property would be acceptable from a design and conservation perspective. Further to this any increase in height or mass may potentially impact on the amenities of neighbouring occupiers. As such Officers are satisfied that the scheme would optimise the site's potential and that the proposed unit size mix is appropriate. Therefore, on this occasion, it is not considered necessary to insist on affordable housing, under Policies 3.10-3.13, London Housing Strategy (June 2014) and Core Strategy Policy H2.

## DESIGN and CONSERVATION

3.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when considering when to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, with respect to any buildings or other land in or adjacent to a conservation area, when considering whether planning permission should be granted, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In the context of Section 66 and 72, "preserving", means doing no harm. Recent caselaw has clarified the high threshold that is required of the determining body to discharge this statutory requirement. It goes beyond the planning requirements set out in the NPPF. The legal position in circumstances where a proposal fails to preserve the character and appearance of a conservation area is that there is a strong statutory presumption of refusal. This is because the desirability of preserving the character or appearance of the area is a consideration of considerable importance and weight. Put simply, it is not simply an exercise of balancing competing factors but a much higher burden that the applicant has to demonstrate to the satisfaction of the determining body.

3.12 The National Planning Policy Framework (NPPF) and supporting National Planning Policy Guidance (NPPG) on design recognises that good design is indivisible from good planning. It states that 'Planning should drive up design standards across all forms of development'; that 'good design is about creating places and buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations; that 'Good design responds in a practical and creative way to both the function and identity of place' and that 'New housing is required to be functional, attractive and sustainable'.

3.13 When assessing planning applications in regards to their design, London Plan Policies 7.1, 7.3, 7.4 and 7.6 require development to be of the highest architectural quality and be adaptable to the changing needs of users and the neighbourhoods in which the developments are located. At the local level, Core Strategy Policy BE1 and DM LP Policy DM G3 require development to be of a high quality design that successfully integrates into the existing built architecture and DM LP Policy G7 aims to protect the quality, character, appearance and setting of the borough's conservation areas.

3.14 The application site consists of a three storey end of terrace property fronting King Street with a part single/ part two storey back addition. The property is located within the King Street (East) Conservation Area; however is not Listed or Locally Listed. The properties to the rear (odd Nos.1 to 31 Bridge Avenue) are Grade II Listed Buildings. The primary frontage of the site is King Street with Bridge Avenue the secondary less prominent elevation. The original shopfront of the property has been replaced with a contemporary glazed shopfront and large fascia. The original brickwork has been white rendered. The application premises currently has two roofs set behind a parapet; No.93 being a very shallow hipped roof and No.91 a valley roof.

3.15 The surrounding townscape is varied in architectural character and style; however the southern side of King Street in this area generally rises to three storeys with two storey back additions. The property forms part of a terrace that, until recently, has not exhibited any roof additions. Permission was recently granted for a roof extension on no.89 in the middle of the terrace (2013/02686/FUL). This has been built and it is largely unseen behind the parapet when viewed from the opposite pavement on King Street. It is partially visible from views to the west along King Street as the party walls have been built up either side of the roof slope. It is much more visible in the view from Bridge Avenue where it extends above the original valley roof. The existence of this extension in the terrace, albeit discreetly executed, is a material consideration. The current proposal would not be out of character with the surrounding architectural character.

3.16 An additional storey of accommodation is proposed across both properties at third floor level. The extension at roof level would be sloped back on all elevations, and would match the height of the adjoining roof level extension at No.89 King Street. The pitch of the Bridge Avenue elevation incorporates a gentle slope to limit views from Bridge Avenue and King Street and to ensure the extension appears recessive in wider views along King Street. The extension would be clad in grey slate. The mass and design of the proposed roof extension is considered to be appropriate both in terms of as an extension to the host building and also in relation to the surrounding townscape setting in a Conservation Area.

3.17 A part single/ part two storey extension on top of the existing back additions is also proposed. The proposed single storey extension at second floor level of No.93 would be visible from King Street and Bridge Avenue. The proposed extension would feature sloped mansard side and rear elevations and would be stepped in from the side elevation and clad in grey slate; thereby ensuring the extension would appear subordinate to the host building. The fenestration to the side and rear of this extension would be in timber with a minimal framed design, which would integrate the extensions into the fabric of the host building.

3.18 The two storey extension above the single storey back addition of No.91 would be set in from the rear of the existing first floor back addition and the proposed second floor

extension at No.93. As such views of the extensions at No.91 from Bridge Avenue would be limited. The proposed first and second storey extension at No.91 would feature vertical rear elevations and large aluminium sliding doors. The rear extensions at No.91 would be clad in metal finished in a RAL colour to match the grey slate of the mansard extensions. The design and use of materials would lend the rear extension at No.91 a contemporary appearance; however given the limited visibility of this part of the development, there is scope for such an approach. Officers consider that the proposed rear extension above the single storey back addition at No.91 would not detract from the appearance or character of the host property or conservation area.

3.19 The properties to the rear (odd nos.1 to 31 Bridge Avenue) are Grade II Listed. These form a homogenous edge to the eastern side of the street. These properties are constructed in yellow stock brick with white painted render to the lower and upper ground floor levels and window surrounds. There is a continuous stucco cornice with dentil course along the terrace. As an end of terrace property No.1 Bridge Avenue is four storeys in height, including a lower ground floor storey and features banded stucco facades at raised ground floor and full height pilasters. The character and significance of the properties is considered to be the architectural merit and the relatively coherent and uniform appearance of the terrace as a whole. Mature street trees help to soften the street scene.

3.20 The proposal would add additional bulk at the roof level and to the rear of Nos. 91 and 93. The separation between the rear of the Nos. 91 and 93 and the Bridge Avenue terrace to the rear would be retained. The relatively unadorned and subordinate back addition at No. 93 and the proposed mansard extension above this would not compete with the prominence of the formal frontage to the adjacent Bridge Avenue terrace. Further to this, the proposed second floor extension above the back addition at the host property would remain lower in height than the adjacent Bridge Avenue terrace and owing to the mansard design would be sloped away from the adjacent terrace; thereby reinforcing this subservience. The proposal would not harm the character, appearance or setting of the Grade II Listed Nos.1 to 31 Bridge Avenue (odd numbers).

3.21 The proposal would rationalise the existing shopfront and remove the overhang and ATMs. Council policy requires new shopfronts to restore original features of a property; however it is acknowledged that the existing shopfront does not retain any traditional features. The proposal would introduce a pier to help restore the original separation and appearance of the two properties at ground floor level. The use of contemporary materials and high level of glazing would be in keeping with the character of shop fronts in this rear and is considered acceptable in this instance.

3.22 The proposal would remove the existing render and expose the building's original brickwork. This is encouraged and would enhance the property's contribution to the character of the area. An existing brick boundary wall to the rear of the property would be demolished and a new residential entrance to the upper floors formed in its place. The residential entrance would feature vertical timber boarding and a timber door. Officers consider such an entrance to be appropriate; however achieving a successful integration into the building fabric and wider area would require that a high quality of detail and materials are employed. Conditions 3, 4 and 5 are recommended to ensure a high quality finish is achieved. The proposed basement excavation would be primarily below the footprint of the building and would not alter the external appearance of the property; or impact on the streetscene.

3.23 Officers consider that the proposed design has been informed by the architectural composition of the existing building. It follows an analysis of the important components of the existing building and a desire that these features should remain dominant while the proposed extensions should be subordinate to the main buildings. The proposal would be a well-composed solution to adding additional floor space at basement, first, second and third floor levels and is considered to be appropriate to the building and surrounding townscape. Further to this, the proposal would not harm the character or appearance of the King Street (East) Conservation Area, nor the character, appearance or setting of the Grade II Listed Nos.1 to 31 Bridge Avenue (odd numbers). The proposed extensions would be compatible with the existing form and architectural character of the building and its surrounds. The scheme therefore complies with the aims of the NPPF, Policies 7.1, 7.3, 7.4 and 7.6 of The London Plan, Policy BE1 of the Core Strategy and Policies DM G3 and DM G7 of the DM LP.

## IMPACT ON NEIGHBOURS

3.24 New development must have regard to the need to protect the amenity of neighbouring residents in terms of preventing unacceptable loss of outlook, daylight, sunlight, and privacy; and noise/disturbance. The relevant policies in this respect are Development Management Local Plan policy DM A9 and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document.

3.25 The Supplementary Planning Document SPD Housing Policy 8 part (ii) states that windows should normally be positioned so that the distance to any existing residential windows is not less than 18m measured in an arc of 60 degrees from the centre of the new window.

3.26 Development Management Local Plan policies DM H9 and DM H11 require consideration of the impact of noise generation from development proposals.

3.27 Part (iii) of SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document states that 'Planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to existing amenities of neighbouring occupiers by reason of noise and disturbance'.

3.28 The site adjoins no. 89 King Street, a four storey property, occupied by a commercial use on the ground floor and residential floorspace above. On the opposing corner is no. 95 King Street, a 3 storey building occupied by Nationwide Building Society on the ground floor, ancillary office in the rear extension, and residential use on the upper floors of the main building.

3.29 The site adjoins No.1 Bridge Avenue to the South, a four storey building, occupied by a childcare centre/nursery at ground and basement level with the upper floors in residential use. The rear gardens of Bridge Avenue and Angel Walk properties and the rear windows of Angel Walk properties are to the southeast of the proposal site.

## Daylight, Sunlight and Outlook

3.30 The proposed additional mass at the rear and roof level of the property has the potential to impact on the light and outlook afforded to neighbouring occupiers. Bridge Avenue and Angel Walk properties are located to the south of the proposal site. No.1 Bridge Avenue is considered to be the property most potentially to be impacted by the

proposal. Due to their location to the south and set back from the application property, the light and outlook afforded to other Bridge Avenue and Angel Walk properties is not considered to be significantly impacted. No.1 Bridge Avenue presents a blank flank elevation to the proposal site; its rear garden is used by a children's nursery, but is not located opposite the application property. As such the proposal would not, it is considered, impact on the light or outlook available at this property.

3.31 The adjacent flats at first, second and third floors of No.89 King Street have a number of windows in close proximity to the proposal. The directly adjacent windows at first, second and third floor level of No.89 all serve either a hallway or staircase, however. Other windows at second and third floor level of No.89, both of which serve bedrooms, are considered to be sufficiently set back from the proposed extensions to avoid a significant impact on the light and outlook experienced by occupiers of the property. The proposed first floor rear extension would extend no further rearward than the first floor back addition at No.89; as such the proposal would not impact on the light and outlook available to/from the rear facing sliding doors of this neighbouring property.

3.32 There are flats above Primark at Ashcroft Square, on the northern side of King Street. The additional floor at roof level would be of a mansard style however, such that it is not considered that the proposal would prejudice outlook or lighting conditions of occupiers who live at that location.

#### Privacy

3.33 No.1 Bridge Avenue presents a blank elevation to the proposal site. As there are no windows in the opposing flank wall, the proposal would not overlook any windows serving the residential flats in the upper part of the property. A representation has been received objecting to potential overlooking of the rear gardens of Bridge Avenue and Angel Walk, as well as the rear windows of Angel Walk properties. The rear elevations of the Angel Walk properties benefit from a separation distance in excess of 25 metres from the proposal site, which exceeds the 18 metre standard in Housing Policy 8 of the Supplementary Planning Document. The rear garden of No.1 Bridge Avenue is in use by the children's nursery. The windows to the proposed development face southwards; apart from one located at high level within a flat, which would face east. The 3-storey building at 1 Bridge Avenue extends eastwards beyond the demise of the application property; such that overlooking of the garden to this neighbouring property would not take place.

3.34 Small terraces are proposed at first to third floor levels. The adjacent second and third floor windows at No.89 are not habitable. The terrace would be set back sufficiently from the other windows at second and third floor level of No.89 to avoid providing views into these other windows. No.95 King Street is occupied by residential on the upper floors however it would appear that the opposing windows in the flank window serve a corridor and not habitable rooms. This is a common relationship for corner buildings across a highway; and whilst there may potentially be a level of mutual overlooking between the two buildings, the proposal would not significantly worsen the existing situation to an extent that planning permission should be refused.

3.35 The upper floors of No.95 King Street, located opposite side of Bridge Ave, are understood to be in residential use. The proposal would result in additional windows and a terrace facing this property at first and second floor levels. Elevations fronting the street are generally less sensitive to overlooking than windows in the side and rear of

properties that do not front a street. The additional windows and terrace at No.93 would be no closer to the windows at No.95 King Street than as existing. The proposal is not considered to result in overlooking of No.95 King Street significantly more invasive than the existing.

3.36 As noted above, there are flats above Primark at Ashcroft Square; however there is King Street in between, and the majority of windows on the north facing elevation of the application property already exist; such that it is not considered that the proposal would prejudice privacy of occupiers who live at that location.

#### Noise and disturbance

3.37 Small terraces are proposed to four units which range from 7sqm to 12sqm in size. The modest size of the terraces means that they would not allow for large numbers of people to gather at any time. Further to this, the town centre location is not as sensitive to noise and disturbance as a solely residential area. Officers are satisfied that the proposed terraces would not result in harmful noise or disturbance to surrounding residential dwellings.

3.38 The communal refuse storage areas would be enclosed within a bin store area located to the rear of the site and accessed from Bridge Avenue. The use of this area would not be considered to give rise to undue disturbance, in relation to smell / noise.

3.39 Overall it is considered that the impact of the proposal on the amenity of neighbouring properties is acceptable in accordance with Policies DM A9, DM H9 and DM H11 of the Development Management Local Plan and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document.

#### QUALITY OF ACCOMMODATION

3.29 DMLP (2013) Policy DM A9, entitled 'Detailed Residential Standards' says that the Council will ensure that the design and quality of all new housing is of a high standard. To assess this, the following considerations will be taken into account:

- Floor area
- Accessibility for disabled people
- Amenity and garden space provision
- A safe and secure environment
- Car parking and cycle parking (discussed in highways section below)
- Attenuation of surface water run off (discussed in environmental section below)
- Sustainable energy matters (discussed in environmental section below)
- Provision of waste and recycling storage facilities (discussed in highways section below)
- Noise insulation and layout to minimise noise nuisance between dwellings
- Protection of existing residential amenities (discussed in impact on neighbours section above)

#### Size, aspect and amenity space

3.40 Policy 3.5 and Table 3.3 of The London Plan, Core Strategy Policy H3, Policy DM A9 and Policy DM A2 of the DM LP 2013, and Planning Guidance Supplementary Housing Policy SPD Housing Policy 1 expect all housing developments to be of a high quality design and to be designed to have adequate internal and external space. Further

detailed guidance relating to the design of new housing is provided in the Mayor's Housing Supplementary Planning Guidance (SPG), 2012.

3.41 All units would meet or exceed the minimum floor space standards outlined in London Plan Policy 3.5 and Table 3.3, with the exception of unit 5; which would be 1 sq.m. below; but would have a roof terrace to compensate for the small shortfall; and unit 7 which would have a shortfall of 9 sq.m; but would have a terrace of 12 sq.m. All units would comfortably exceed the minimum floor space standards for conversions contained in Housing Policies 4 and 5 of the Planning Guidance Supplementary Planning Document (2013). The unit sizes would be as follows:

- o Unit 1 ,71sqm (two bed four person)
- o Unit 2 ,37sqm +7sqm terrace (studio)
- o Unit 3 ,95, sqm (two bed four person)
- o Unit 4 ,44sqm +6sqm terrace (one bed studio)
- o Unit 5 ,60sqm +12 sqm terrace (two bed three person)
- o Unit 6 ,100sqm (two bed four person)
- o Unit 7 ,61sqm +7sqm terrace (two bed four person)

3.42 With the exception of the two studio apartments, all units would be dual or triple aspect. The two studios would only have one aspect; but this would be southerly. Sufficient lighting conditions would be provided to all flats. The flats would meet The London Plan guidance regarding minimum floor to ceiling heights.

3.43 Policies DM E1 and DM A9 require all new developments to make provision for open space to meet the needs of the future occupiers and users. SPD Housing policy 1 requires that all new dwellings have access to an area of amenity space, appropriate to the type of housing being provided and the Mayor's Housing SPG Baseline Standard 4.10.1 says that a minimum of 5 sqm of private outdoor space should be provided for 1 to 2 person dwellings and an extra 1 sqm should be provided for each additional occupant. In this case, the development provides a range of dwellings of between one and four occupants.

3.44 Four of the seven units would have access to an outdoor amenity space in the form of a terrace; of sufficient size. Units 1, 3 and 6 would have no access to private outdoor amenity space. The Mayor's Housing SPG says that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space. Further to this units 1, 3 and 6 would require an additional 7sqm of floor space. At 95sqm, unit 3 would comfortably provide this additional floor space; and unit 6 at 100 sqm would also do so. However unit 1, at 71 sq.m. would be just one square metre over the minimum size required, so would fall 6 sq.m short. Given the town centre location and the constraints imposed by the conservation area setting, Officers consider this shortfall in amenity space or additional floor space in lieu of amenity space to be acceptable in this case.

#### Access matters

3.45 DMLP (2013) policy DM A9 'Detailed Residential Standards', DMLP (2013) Policy DM A4 'Accessible Housing' and SPD Design Policy 1 'Inclusive Design' of the PGSPD relate to ensuring that homes are accessible and meet 'Lifetime Homes' standards. The DMLP (2013) Policy DM A4 allows for some flexibility in the application of 'Lifetime

Homes' recognising that this is not always feasible when new dwellings are formed in existing property.

3.46 Subsequent to the adoption of the above policies and guidance Lifetimes Homes has been superseded. Access requirements have now been incorporated into Building Regulations. The equivalent Building Regulations standard to Lifetimes Homes is M4 (2) 'accessible and adaptable dwellings'. To reflect this change The London Plan was amended in March 2016 with London Plan Policy 3.8 'Housing Choice' now requiring 90% of dwellings to meet M4 (2) Building Regulations requirement.

3.47 The key issue in ensuring that M4 (2) can be achieved within a residential development is to ensure, at the planning application stage, that the units can achieve level access. If level access cannot be reasonably achieved to the homes, then the units cannot be required to meet the M4(2) Building Regulations. In this instance it would not be reasonable to require the residential development to meet M4(2) as level access cannot be achieved due to site constraints associated with the development being located on the upper floors of the property.

3.48 The Mayor's Housing SPG sets out in Baseline Standard 3.2.6 states that it is desirable for dwellings entered at the fourth floor (fifth storey) and above to be served by at least one lift. In this instance, the dwellings would be located no higher than third floor (fourth storey) and so a lift would not be required. All units would be accessed via a communal entrance on Bridge Avenue at ground floor level and then stairs to first floor level. There would be level access provided to the ground floor level commercial entrance at King Street.

#### Secured by Design

3.49 London Plan Policy 7.4 is entitled 'Designing Out Crime' and says that developments should be designed to discourage disorder and the fear of crime. The policy says that within developments, there should be natural surveillance of publicly accessible spaces and communal parts should be well maintained. Policy BE1 of the Core Strategy also makes reference to the need for the design of developments to be in accordance with the principles of secured by design. Policy DM A9 of the Development Management Local Plan requires new residential units provide a safe and secure environment; however it does recognise that conversions and change of use applications require a degree of flexibility to account for on-site circumstances in applying secured by design standards.

3.50 Officers do not consider there are any site specific circumstances that would preclude the proposal from meeting such standards. Condition 10 is recommended to require further details of Secure by Design compliance and to ensure any measures are implemented prior to occupation of the units and retained for the lifetime of the development.

#### Noise and Insulation

3.51 DM LP Policies DM A9 and DM H9 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. The application proposes seven flats sharing walls and floors with other flats and a commercial ground floor unit, as well as being in close proximity to Hammersmith Town Centre and King Street. In light of the site context, appropriate



measures such as sound insulation to mitigate the potential for noise affecting the internal living accommodation of the proposed dwellings is recommended to be secured by Conditions 11, 12 and 13.

#### Air Quality

3.52 Policy CC4 of the Core Strategy, Policy DM H8 (Air Quality) of the Development Management Local Plan and London Plan policy 7.14 are concerned with reducing adverse impacts of air quality.

3.53 An air quality assessment has been submitted in support of the application. Residential accommodation is proposed at first, second and third floor levels. The air quality dispersion modelling submitted has shown that all floors have predicted levels of nitrogen dioxide above the annual mean air quality objective of 40 micrograms/m<sup>3</sup>. Consequently, mitigation measures would be required to protect future occupiers from poor air quality. The air quality assessment recommends mechanical ventilation for the third floor which would circulate air to the first and second floor level flats; although the assessment recognises that this solely would not ensure that satisfactory air quality is achieved.

3.54 Officers have reviewed the information and consider that mechanical ventilation would require treatment for NO<sub>x</sub>, and that windows for the residential units might ideally need to be non-opening, to reduce future occupiers exposure to high concentrations of nitrogen dioxide. Condition 14 is recommended to secure adequate mechanical ventilation with NO<sub>x</sub> filtration where the design gives adequate consideration of openable and non-openable window requirements for the residential units to ensure an acceptable standard of air quality would be achieved. Overall, it is considered that the proposed development would be capable of providing an acceptable standard of residential accommodation for future occupiers, subject to further details secured by way of condition.

#### HIGHWAYS MATTERS

3.55 The strategic aim for London's Transport is set out in London Plan Policy 6.1 and intends to encourage closer integration of transport and development through schemes, encourage development patterns that reduce the need to travel (especially by car), improve the capacity and accessibility of public transport, walking and cycling and support measures that encourage shifts to more sustainable modes and focus development around locations that benefit from high levels of public transport accessibility. Core Strategy Borough Wide Strategic Policy T1 aims to increase opportunities for walking and cycling, secure access improvements, particularly for people with disabilities and ensure appropriate parking is provided to meet the essential needs of the development without impacting on the quality of the urban environment.

#### Traffic generation and car parking

3.56 The NPPF requires that developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes (such as public transport) can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.57 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.58 Core Strategy Policy T1 supports The London Plan. Policies DM J2 and DM J3 of the Development Management Local Plan set out maximum vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met. Policy DM J2 stipulates maximum residential parking standards for one to two bedroom units as less than 1 car park space per unit. This policy further states that 'All developments in areas with good public transport accessibility should aim for significantly less than 1 space per unit'. Policy DM J3 states that 'Market housing with zero or reduced parking will only be considered in areas with good levels of public transport accessibility'.

3.59 London Plan Policy 6.13 and Table 6.2 require that development in areas of good public transport accessibility should aim for significantly less than 1 parking space per dwelling. The site has a PTAL of 6B which indicates excellent public transport accessibility. No on site car parking would be provided. Recent statistics show that Bridge Avenue has a recorded very high overnight parking stress. The applicant acknowledges the need for the proposed residential units to be restricted from applying for car parking permits to ensure the development would not detrimentally impact on the surrounding public highway network. Officers have recommended the inclusion of car parking permit free conditions (Conditions 15, 16 and 17) to ensure that use of the proposed flats would not materially impact on the surrounding highway network; nor result in a high level of extra traffic. The wording of the conditions mean that it would be possible for a disabled resident to apply for a parking permit and in this respect, the scheme is considered to be in compliance with DM LP Policy DM A4. Visitors to the development would be able to pay and display; and are not likely to result in a significant increase in parking demand locally.

### Cycling Parking

3.60 London Plan Policy 6.9 of The London Plan specifically relates to cycling and says that 'When determining planning applications, developments should provide secure, integrated cycle parking facilities, in accordance with the minimum standards set out in Table 6.3' and supported by Policy DM J5 of the DM LP. One cycle parking space is required for units with one or two bedrooms.

3.61 In this instance seven cycle parking spaces are required for the seven flats. The drawings submitted with the application indicate eight cycle parking spaces would be provided to the rear of the site. The location and appearance of the combined refuse and cycle store is considered appropriate. Condition 18 would secure this provision prior to occupation of the development, and that it would be maintained for the lifetime of the development.

3.62 Any additional visitors to the commercial/A2 use would be primarily expected to arrive by foot or by public transport. Also, there is some existing cycle parking available in the vicinity of the site.

3.63 The application proposes development within a sustainable location, with excellent accessibility to public transport. The incorporation of safe and secure cycle parking at ground floor level and the restriction of car parking permits would mean that the development would be unlikely to have a detrimental impact on local residents, as it would not materially increase on-street car parking stress or traffic. On this basis, the proposed development is judged to be acceptable in the context of the NPPF, London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13, Core Strategy Policy T1 and DM LP Policies DM J1, DM J2, DM J3.

#### Refuse storage

3.64 London Plan Policy 5.16 outlines the Mayor's approach to waste management. This is supported by Core Strategy Policy CC3, and policy DM H5 of the Development Management Local Plan 2013 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.65 Refuse and recycling storage areas are proposed at the rear of the property at ground floor level at Bridge Avenue to serve the flats; provision for the commercial use would be located in the basement and brought up to ground level on collection day. Conditions 19 and 20 are recommended to ensure adequate refuse and recycling facilities are provided to serve the development.

#### Impact of building works

3.66 A draft Construction Management Plan (CMP) and Construction Logistics Plan (CLP) have been submitted in support of the application. The CMP provides a preliminary site works programme, a construction management action plan, including communications, site establishment, environmental issues and a method statement. The CLP outlines site logistics, delivery rules, loading, and a programme of works, monitoring and risk assessment.

3.67 King Street and Bridge Avenue are part of the one way system and both experience significant traffic volumes. King Street is part of the Strategic Road Network (SRN). There is residential property to the south of the application property. Given the location officers requested additional information regarding vehicle numbers to demonstrate deliveries over the course of the development, and tracking plans on Bridge Avenue for the largest vehicle that would visit the site. This information has been submitted and is considered acceptable. Conditions 21 and 22 are recommended to secure final construction plans; in accordance with the aims of policies DM H5, DM H8, DM H9, DM H10 and DM H11, and London Plan Policy 6.3; to protect the use of the highway and residents' amenity.

## ENVIRONMENTAL MATTERS

#### Energy/carbon reduction

3.68 Policy 5.2 (Minimising Carbon Dioxide Emissions) in The London plan states that 'The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for CO<sub>2</sub> emissions reductions in buildings.' The policy then goes on to outline the stringent CO<sub>2</sub> reduction targets compared to the Building Regulation minimum requirements. The policy also states 'Major development

proposals should include a detailed energy assessment to demonstrate how the targets for CO2 emissions reduction are to be met'. Policy 5.3 of The London Plan on Sustainable Design and Construction also states that major developments should meet the minimum standards outlined in the Mayor's SPG although there is also a more general reference to proposals demonstrating that sustainable design standards are integral to the proposal. The policies contained in the Core Strategy and Development Management Local Plan are in line with these standards.

3.69 As the proposed development is not classified as a major development, carbon saving measurements are not a policy requirement. The emphasis is therefore on encouraging applicants to introduce such measures. Energy/carbon saving measures for minor developments such as this are, however, required by Building Regulations (Part L amended 2016). The applicant will have to demonstrate compliance with the Building Regulations (which include energy efficiency and design and construction standards) at the building approval stage of the project; if planning permission is forthcoming. The applicant has indicated that, as well as installing that low emission boilers, they would explore the feasibility of incorporating technologies such as air tightness measures e.g. double glazed, draught proofed units; low energy lighting; and low/zero carbon technologies e.g. PV panels. The exact technologies/measures would be determined at the building control stage of the project, based on the scheme's compliance with the Building Regulations. This is welcomed and would help to create a sustainable development. If any of the measures needed planning permission then a separate application would need to be made in the future.

#### Flood risk

3.70 The NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.

3.71 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

3.72 Policy CC1 of the Core Strategy 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'. This is supported by Policy DM H3 of the Development Management Local Plan 2013.

3.73 This site is in the Environment Agency's Flood Zone 3 which indicates a medium to high risk of flooding from the River Thames. However, this risk rating does not take into account the high level of flood protection provided by the Thames Barrier and local river walls. As required, a Flood Risk Assessment (FRA) has been submitted with the application. Residential units are proposed at 1st floor and above and commercial use (A2) is proposed for the ground floor and basement. Therefore the more vulnerable use is located above the floor level that would be impacted by flood waters. The FRA notes that the basement will be fully water-proofed with tanking membranes and drained cavities with pump systems. A Delta Membrane system is also suggested in the FRA as

a suitable solution for this development. To ensure the use of the proposed water-proofing measures condition 23 is recommended.

3.74 Following a request by Thames Water condition 25 is recommended to ensure a non-return valve is installed to protect against any potential sewer surcharge flooding. Sustainable Drainage Systems (SUDS)

3.75 The proposal provides an opportunity to reduce surface water run-off as required by Development Management Local Plan Policy DM H3. The external yard to the rear of the site would have permeable paving, which is considered to be a viable option for reducing surface water run-off in the flood risk assessment. Condition 26 is recommended to secure the use of permeable surfaces and soft landscaping in the rear yard. Water efficient fittings and appliances would be recommended to be installed in an informative on the decision notice. Subject to the condition and informative, the proposal is considered to be in compliance with London Plan Policy 5.13 on sustainable drainage, Policy CC2 of the Core Strategy regarding Water and Flooding and Policy DM H3 of the DM LP which relates to reducing water use and the risk of flooding.

#### Contaminated Land

3.76 London Plan Policy 5.21, Core Strategy Policy CC4 and Policies DM H7 and DM H11 of the DM LP 2013 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'.

3.77 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions 27 to 32 are recommended 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

#### Archaeological Matters

3.78 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

3.79 The planning application lies in an area of archaeological interest. The site lies adjacent to the Borough designated Area of Archaeological Priority and medieval and post-medieval properties are known to have fronted King Street. The general area is also characterised by later prehistoric archaeology and the new basement will have an impact on any buried archaeological remains that may survive on this site. The Greater London Archaeological Advisory Service have advised the proposal is likely to cause some harm to archaeological interest but not sufficient harm to justify refusal of planning

permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. As such condition 33 is recommended.

## OTHER MATTERS

### Mayoral CIL

3.80 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. CIL Regulations (2010) state 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.

3.81 This development would be subject to a London wide community infrastructure levy. An estimate of £23,550 based on the additional floor space has been calculated. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

### LOCAL CIL

3.82 The Council's Local CIL Charging Schedule was presented to Council and approved 20 May 2015 and formally came into effect in September 2015. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The site is located within the Central A area and would be charged at £200/sqm for residential floor space and £80/sqm for any Class A floor space. An estimate of £60,840 based on the additional floor space has been calculated.

### Local services

3.83 The scheme has been assessed for its likely impact on local services, and given the modest number of units included in the development; it is considered that the development would not result in substantial demands on local services.

## 4.0 CONCLUSION and RECOMMENDATION

4.1 The principle of the residential use is considered to be in accordance with land use policies and the development would make more efficient use of an existing property; whilst retaining a commercial use. The proposed design, height, scale and massing of the development is considered to be acceptable. Further to this the proposal would not harm the character, appearance or setting of the Conservation Area or Grade II Listed Nos.1-31 (Odds) Bridge Avenue. An acceptable standard of accommodation would be provided for future occupiers, without prejudice to the amenities of existing residents and commercial neighbours. The development would not have a detrimental impact on the highway network or local parking, subject to conditions ensuring that the development would be car parking permit free. Environmental matters, including flood

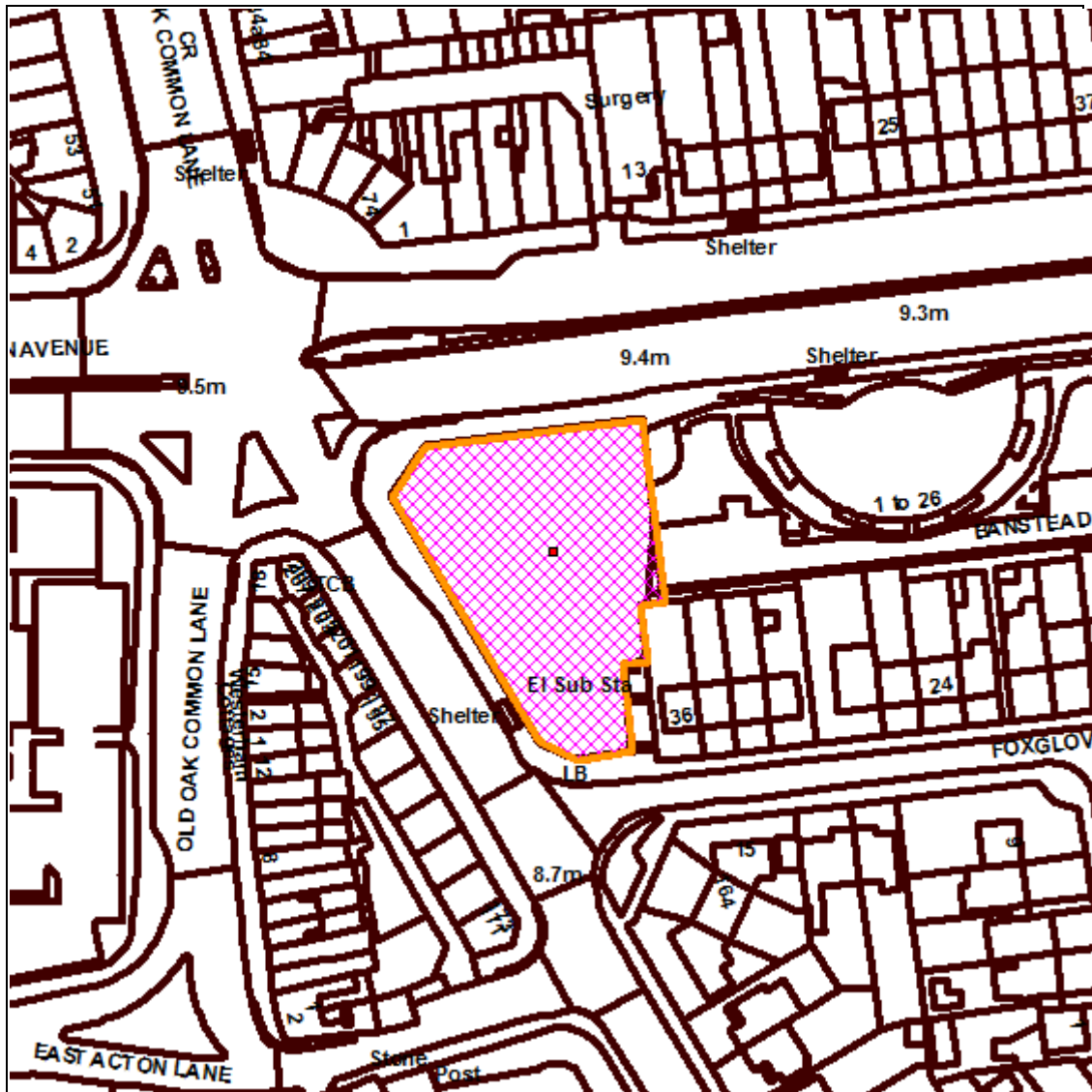
risk and contaminated land, are also considered to be acceptable. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Core Strategy, DM LP and Planning Guidance Supplementary Planning Document Policies.

4.2 It is recommended that planning permission be granted, subject to conditions.

**Ward:** Wormholt And White City

**Site Address:**

Site At Junction Of Western Avenue And Old Oak Road London



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**For identification purposes only - do not scale.**

**Reg. No:**  
2016/02387/FUL

**Case Officer:**  
Neil Egerton

**Date Valid:**  
08.06.2016

**Conservation Area:**  
Old Oak And Wormholt Conservation Area -  
Number 12

**Committee Date:**  
27.07.2016



**Applicant:**

Mr Simon Owen  
106-110 Kentish Town Road London NW1 9PX

**Description:**

Redevelopment by the erection of a part 6 and part 7 storey building (over 2 basement levels) to provide 306 rooms of student accommodation and a ground floor café (use class A1); provision of servicing area accessed from Foxglove Street comprising a loading bay, and two parking spaces

Drg Nos: SHF 103B, 200B, 201B, 202B, 203B, 204B, 205B, 206B, 207B, 208B, 209B, 210B, 212A, 213A, 214A, 216A, 217B, 220B, 221B,, 230B , 232B , 235B, 236B

**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 by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby approved shall not be erected otherwise than in accordance with the detailed drawings which have been approved, ref: SHF 103B, 200B, 201B, 202B, 203B, 204B, 205B, 206B, 207B, 208B, 209B, 210B, 212A, 213A, 214A, 216A, 217B, 220B, 221B, 230B, 232B, 235B, 236B.

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 DM G1 and DM G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 3) The development hereby permitted shall not commence until particulars and samples of materials, to be used in all external faces of the building, including glass, the colour of the cladding panels, 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 DM G1 and DM G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 4) 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 5) 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 6) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 7) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 9) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and

by a competent person who conforms to 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. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 10) The development hereby permitted shall not be occupied before details of the landscaping of all areas external to the building, including planting (including species and height of trees and shrubs), paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council, and the development shall not be occupied or used until such landscaping as is approved has been carried out.

To ensure a satisfactory external relationship with its surroundings, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 11) 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 external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM E4 of the Development Management Local Plan 2013.

- 12) Prior to commencement of development, including any demolition, ground or enabling works, a scheme for temporary fencing and/or enclosure of the site shall be submitted to and approved in writing by the council. Scaffolding enclosures shall be of a design appropriate for a conservation area. Such enclosures shall be erected in accordance with the approved details and retained for the duration of the building works within the relevant phase of development.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G7, DM G1, Policies 5.12 and 5.13 of The London Plan 2016 and DM F2 of the Development Management Local Plan 2013.

- 13) The development hereby approved shall not be occupied/used until the secure cycle parking spaces as shown on the approved drawing SHF 202 have been installed; and the cycle storage shall be permanently retained thereafter for users of the development.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of The London Plan, 2016.

- 14) The development hereby approved shall not be occupied/used until the two accessible car parking spaces indicated on drawing no. SHF 200 have been provided; and they shall thereafter be retained for the lifetime of the development.

To ensure that the development is accessible, in accordance with policies DM J4 of the Development Management Local Plan 2013 and SPD Transport Policy 22.

- 15) No development shall commence until a risk assessment based on the Mayor of London's 'The control of dust and emissions during construction and Demolition' Supplementary Planning Guidance has been undertaken and a method statement for emissions control (including an inventory and timetable of dust generating activities, emission control methods and air quality monitoring) has been submitted to and approved in writing by the council. The appropriate mitigation measures to minimise dust and emissions shall be incorporated into the site specific Dust Management Plan/Demolition Method Statement and integrated into a Construction Environmental Management Plan. The developer shall ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of The London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 16) Prior to the commencement of the development detailed information on the proposed mechanical ventilation system (with NO<sub>x</sub> filtration if necessary) shall be submitted to and approved in writing by the Council. This report should specify air intake locations and the design details and locations of windows on residential floors to demonstrate that they avoid areas of NO<sub>2</sub> or PM exceedance or include appropriate mitigation. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the building.

To ensure that occupiers of the development are not adversely affected by air quality, in accordance with London Plan 2016 policy 7.14, Core Strategy 2011 Policy CC4, and Development Management Local Plan 2013 Policy DM H8.

- 17) Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the Council. The Low Emission Strategy shall address the results of the Air Quality Assessment and detail the remedial action and mitigation measures that shall be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy shall make a commitment to implement the mitigation measures (including NO<sub>x</sub>

emissions standards for the chosen energy plant) that are required to reduce the exposure of on-site and local receptors to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and particulates from on-site transport and energy generation sources. Evidence shall also be submitted to and approved in writing by the Council to show that the CHP units, which shall be installed within the energy centre prior to use/occupation of the development, comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Guidance, Band B. The strategy shall assess air quality neutral as agreed in the Air Quality Assessment in accordance with GLA guidance and identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. D1 calculations shall be provided from ground level to inform the height of energy plant chimneys.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of The London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 18) Prior to occupation/use of the development hereby permitted evidence shall be submitted to and approved in writing by the Council, to demonstrate that the CHP units, abatement technologies and boilers installed comply with the Air Quality Assessment dated May 2015 (<95 mg NO<sub>x</sub>/Nm<sup>3</sup>) submitted as part of the planning application and the emissions standards set out within the agreed Low Emission Strategy, (CHP and boiler NO<sub>x</sub> emissions). The submitted evidence shall comply with the GLA's Sustainable Design and Construction SPG and include the results of NO<sub>x</sub> emissions testing of the CHP unit by an accredited laboratory.

To comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 19) Prior to installation details of the boilers to be provided for space heating and domestic hot water shall be submitted to and agreed in writing by the council. The boilers to be provided for space heating and domestic hot water shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any proposed installations would not meet this emissions standard it shall not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation and prior to use/occupation of the development hereby permitted, emissions certificates shall be provided to the council to verify boiler emissions.

To comply with the requirements of the NPPF, Policies 7.14a-c of The London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 20) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value D<sub>nT,w</sub> and L<sub>nT,w</sub> of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 21) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of building vibration levels [generated by traffic etc.] together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by ground- or airborne vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 22) Prior to commencement of the development, a noise assessment shall be submitted to and approved in writing by the Council of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, and of acoustically attenuated mechanical ventilation as necessary to achieve internal room and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 23) The development hereby approved shall not proceed above ground floor damp proof course level until details have been submitted to and approved in writing by the Council of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from student rooms. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 15 dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 24) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ceiling/walls separating the basement plant room and communal facilities from student rooms. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 10 dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be

implemented prior to occupation/use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 25) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Council, of the external sound level emitted from plant/machinery/equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/equipment shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

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

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 27) Neither music nor amplified loud voices emitted from the commercial part of the development shall be audible at any residential/noise sensitive premises.

To ensure that the amenity of occupiers of the development site surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 28) Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system, including the height of any extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by



DEFRA. Approved details shall be implemented prior to the commencement of the development/use as necessary, and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any 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 Policy DM G3 of the Development Management Local Plan 2013.

- 30) 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 DM G1 of the Development Management Local Plan 2013.

- 31) Prior to commencement of the development hereby permitted drawings of a typical bay in plan, section and elevation for each elevation of the scheme at a scale of no less than 1:20 shall be submitted to and approved in writing by the council. The development shall not be occupied/used until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policy DM G1 and DM G7 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 32) The window glass of the cafe, common room, office, reception and entrance hereby permitted shall be installed as clear glass prior to first use/occupation of the development and it shall not be mirrored, painted, tinted or otherwise obscured; and the scheme shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy (2011), policy DM G4 of the Development Management Local Plan (2013) and SPD Design Policies 22 and 25 of the Planning Guidance Supplementary Planning Document (2013).

- 33) Prior to the commencement of the development hereby permitted a water drainage scheme, based on sustainable drainage principles, and a maintenance programme for the sustainable urban drainage measures, which shows how surface water would be managed on-site in-line with the proposals outlined in the

Flood Risk Assessment and additional SUDS Strategy information, shall be submitted to and approved in writing by the Council, in consultation with the Lead Local Flood Authority. The submitted strategy shall include a rainwater harvesting system for internal re-use, rainwater collection for external irrigation purposes, use of permeable paving and planted rain gardens which promote infiltration of run-off as well the integration of a stormwater attenuation tank. Supporting information included in the Strategy shall include details of the design, location and attenuation performance of each SUDS feature. Details shall also be provided of the proposed flow controls and flow rates for discharging of any surface water to the combined sewer system, which shall aim to achieve greenfield run-off rates. The proposed SUDS measures shall be installed in order to manage surface water run-off from all storms, including 1 in 1 year storms up to and including a 1:100 year storm with a 30% provision for climate change, and to achieve the agreed storage volumes and discharge rates. The scheme shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be permanently maintained in accordance with the agreed details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with National Planning Policy Framework (2012) and the Planning Practice Guidance (2015), Policy CC2 of the Core Strategy (2011) and Policy 5.13 of The London Plan (2016), and Policy DM H3 of the Development Management Local Plan (2013).

- 34) The development shall not be occupied/used prior to the provision of all of the wheelchair accessible accommodation units as indicated on the approved drawings; which shall also have been previously fitted out to meet the needs of wheelchair users. The development shall be permanently maintained in this form thereafter.

To ensure satisfactory provision for people with disabilities, in accordance with the Council's Access for All SPD and Policy 7.2 of The London Plan 2016.

- 35) The development hereby approved shall not proceed above ground floor damp proof course level until details of external artificial lighting have been submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details shall also include, for approval, measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan.

- 36) No part of the flat roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs. Furthermore, the landscaped

area at basement level shown on approved drawing SHF 202 shall not be used for any form of recreational purposes; and any access to this area shall be for maintenance purposes only.

To ensure that the use of the development would not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, and to ensure a satisfactory external appearance; in accordance with Policies DM H9, DM A9 and DM G1 of the Development Management Local Plan 2013, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

- 37) The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'Very Good' as per the measures set out in the Energy and Sustainability Statement (Dated 18th May 2016). The sustainable design and construction scheme shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter permanently retained.

To ensure that sustainable design and construction techniques are implemented, in accordance with Policies DM G1, DM H2 of the Development Management Local Plan 2013, Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Policies BE1 and CC1 of the Core Strategy 2011.

- 38) Prior to the occupation/use of the development hereby approved, a Post-Construction Assessment detailing the implementation of the measures set out in the Energy and Sustainability Statement (dated 18th May 2016) shall be submitted to and approved in writing by the council.

To ensure that sustainable design and construction techniques are implemented, in accordance with Policies DM G1, DM H2 of the Development Management Local Plan 2013, Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Policies BE1 and CC1 of the Core Strategy 2011.

- 39) The development hereby permitted shall not be occupied/used until details have been submitted to and approved in writing by the Council, of the final position and number of the proposed PV panels, to be provided as part of the approved development. The development shall be carried out in accordance with the details as approved prior to occupation/use, and permanently retained as such

To ensure a satisfactory standard of external appearance, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

#### **Justification for Approving the Application:**

- 1) 1. Land Use: Whilst the site is outside a designated town centre and is close to residential properties, it is highly accessible by public transport. The development would bring a vacant site back into use with the re-provision of an active frontage along the Westway. As such, it is considered that Policy DM A7 of the Development Management Local Plan 2013, Core Strategy Policy H6 and Policy 3.8 of The London Plan 2016 are thereby satisfied.

2. Design: The proposed building would reinstate a landmark building on this corner which was lost after the demolition of the Savoy Cinema. It is considered that the design and appearance of the proposed building would complement the existing character and appearance of the street scene; and the proposal, in terms of its height, scale and design, is considered acceptable at this specific location. The character and appearance of the conservation area would be enhanced. Policies DM G1 and DM G7 of the Development Management Local Plan 2013, Policy BE1 of the Core Strategy, London Plan 2016 Policies 7.1, 7.4 and 7.6 and the NPPF would thereby be satisfied.

3. Highways matters: Subject to matters being secured in the legal agreement, there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Off-street parking would be provided and the development is not considered to have the potential for contributing significantly towards pressure on on-street parking due to the high accessibility to public transport, and subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan. Improvements would be made to the pedestrian environment surrounding the development as part of the proposal. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policy DM J1 of the Development Management Local Plan 2013.

4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. It is not considered that the proposal would have a materially detrimental impact on the outlook and light to neighbouring properties. Residents' privacy would not be materially affected. Measures would also be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed student accommodation. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policies DM G3, DM H9 and DM H11 of the Development Management Local Plan 2013, and SPD Housing Policy 8

5. Sustainability and Flood Risk: The application proposes a number of measures to reduce CO2 emissions from the baseline. The proposal would seek to achieve a 'very good' BREEAM rating and the implementation of sustainable design and construction measures would be a condition of approval. The proposal would incorporate green roofs and a Sustainable Urban Drainage Strategy would be required by condition. It is not considered that the development is at risk from tidal flooding. Policies DM H1, DM H2 of the Development Management Local Plan 2013, CC1 and CC2 of the Core Strategy 2011 and Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of The London Plan 2016 are thereby satisfied.

6. Accessibility: The development would provide level access, a lift to all levels, suitable circulation space and dedicated rooms for wheelchair users. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy BE1 of the Core Strategy 2011, the Council's SPD 'Access for All' and Policies 4.5 and 7.2 of The London Plan 2016.

## **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 24th May 2016

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2015  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
The Hammersmith Society	12.07.16
London Underground Limited	16.06.16
Thames Water - Development Control	23.06.16
London Borough Of Ealing	24.06.16
Transport For London - Land Use Planning Team	27.06.16

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
32 Foxglove Street London W12 0QD	30.06.16
20 Foxglove Street LONDON w12 0qd	16.06.16
36 Foxglove Street London W12 0QD	30.06.16
34 Foxglove Street London W12 0QD	30.06.16
162 Old Oak Road London W3 7HE	21.06.16
31 Hilary Road London Shepherd's Bush W120QB	21.06.16
13 Foxglove street london w12 0qd	15.06.16
1 St Christopher's Mews Wallington SM6 8BF	03.07.16
147 Braybrook Street London W12 0AJ	16.07.16
26 Brentmead Gardens London NW10 7DS	01.07.16

## OFFICERS' REPORT

### 1.0 BACKGROUND

1.1 The application site is the Former Savoy Cinema site, which is located on the southern side of Western Avenue, at its junction with Old Oak Road. A cinema building had existed on the site since 1931, but was demolished in 1996. The 1,700 sq.m. plot of land has remained vacant ever since. The borough boundary with LB Ealing runs down the middle of Old Oak Road.

1.2 To the east, further along the Westway, are the four storey flat blocks known as Banstead Court. On the opposite side of the Westway there are three-storey buildings with commercial premises on the ground floor and flats above. On the western side of Old Oak Road, opposite the site, there are two-storey buildings with shops on the ground floor and flats above, which are in the Borough of Ealing. To the south and southeast of the site are two-storey residential properties in Foxglove Street, which are part of the Wormholt Estate. Further to the west along the Westway is a large DIY superstore building, which is equivalent to 3 storeys in height.

1.3 The site is located within the Old Oak and Wormholt Conservation Area. It has a public transport accessibility Level (PTAL) of 6a; which means that there is excellent accessibility to public transport. East Action station, which is served by the Central line, is located on Erconwald Street, 0.2 miles to the north-east, around a five minute walk. The site is located within Flood Risk Zone 1, which is at the lowest risk of flooding from The Thames.

#### Planning History

1.4 Planning permission (2011/02485/FUL) was granted on 28th February 2013, subject to a legal agreement, for redevelopment of the site involving the erection of a 5 storey (plus basement) building to provide a 116 bedroom hotel, incorporating a restaurant and bar on the ground floor fronting onto the Westway, ancillary gym and meeting room facilities, and associated basement car parking for 20 parking spaces with vehicular access from the Old Oak Road junction with Foxglove Street. This scheme was not implemented and the consent has expired.

1.5 Members will recall that they decided to refuse planning permission (2015/02231/FUL) in February 2016 for redevelopment of the site by the erection of a part 8 storey, part 7 storey, part 3 storey building (over 2 basement floors), to provide 320 rooms of student accommodation (126 single rooms and 194 double rooms), including a ground floor level cafe (use class A1).

1.6 The reasons for refusal were:

- 1) The proposed development is considered to be unacceptable on the grounds of visual amenity. More particularly, the proposed building by virtue of a combination of factors including overall height, massing, the design of the elevations and the proposed use of materials, would result in an over-dominant and overbearing development, that would not be in keeping with the surrounding townscape and would cause harm to visual amenity of the local area, and harm to the character, appearance and setting of the Old Oak and Wormholt Conservation Area contrary to Policies DM G1 and DM G7 of the Development Management Local Plan 2013, Design Policy 49 of the SPD (2013), Policy BE1 of the Core Strategy (2011) and Policy 7.4 of The London Plan (2015).
- 2) The proposed development is considered to be unacceptable on highways grounds. The proposed drop off and pick up arrangements for students at the start and end of term are considered to be unacceptable and would result in harm to traffic flows and existing parking within the vicinity of the site. In this respect the development is considered contrary to Policy T1 of the Core Strategy 2011, Policies DM J1 and DM J6 of the Development Management Local Plan (2013), and SPD Transport Policies 2 and 19 of the Planning Guidance Supplementary Planning Document (2013).
- 3) The proposed development is considered to be unacceptable in respect of its traffic generation and proposed servicing arrangements. More particularly, the scheme fails to demonstrate that the impacts of this type and quantum of development would not result in harm to highway conditions. Given the volume of students that could be accommodated, and the site location at a very busy road junction, the Council is not satisfied that the proposed use would not be detrimental to the flow of traffic on the local highway network, and that it would not result in increased unacceptable parking stress on local streets. In this respect the development is considered contrary to Policy T1 of the Core Strategy 2011, Policies DM J1 and DM J6 of the Development Management

Local Plan (2013), and SPD Transport Policies 2 and 19 of the Planning Guidance Supplementary Planning Document (2013).

1.7 The current application is a revised scheme, submitted by the same applicant, which attempts to overcome Planning Committee's concerns, and seeks planning permission for redevelopment by the erection of a part 6 and part 7 storey building (over 2 basement levels) to provide 306 rooms of student accommodation and a ground floor café; and provision of a servicing area accessed from Foxglove Street comprising a loading bay, and two parking spaces.

1.8 The applicants presented an earlier iteration of their revised scheme to the Design Review Panel (DRP) on 24/05/16. At this meeting the DRP stated that:

1.9 Scale/massing/bulk:

- The proposed massing and bulk is a concern to the panel.
- The previous schemes and the cinema building should not be relied upon to inform the design, which has to work on its own merits in the proposed setting.
- How might the scheme might evolve if the constraints were relaxed, and the architects were allowed to design a scheme that came from an appropriate response to the site and its context rather than being driven by previous planning history
- The current proposal is very bulky and "boxy" and appears to fill the site up to a datum height found to be acceptable in an earlier scheme.
- There should be more variation across the scheme and the applicants should consider going higher on the corner "knuckle" and lower on the wings responding to and holding this important corner whilst being a little more subdued towards neighbouring buildings
- The flank ends are very deep and not working as currently proposed, the change in colour of the brickwork fails to break down their apparent bulk. The abrupt end to the gable walls facing the conservation area does not help the scheme feel like it belongs as a whole. The flanks would benefit from greater differentiation than offered by the change in brick tone alone
- The success of the corner element and its clear articulation is considered key to the success of the overall design, and the current version appeared to have lost an effective celebration that was beginning to be suggested in earlier schemes.
- The applicants should consider the design, and in particular the top, of the corner feature and how it might successfully address the approach to the site from the west

1.10 Other matters:

- There are concerns regarding the north facing single aspect accommodation facing the A40. The wings do not have to be symmetrical, and that bay windows from the earlier scheme should be re-considered to improve daylight which may help address the problem of north facing student rooms onto the A40, recognising that students are there for considerable periods of the year, unlike hotel accommodation
- Concern about the student accommodation at ground floor level being next to the pavement. It was considered that the accommodation would be better raised by 300mm above pedestrian level, instead of lowered to offer privacy. The resistance to height should not force the building into the ground
- The relationship to the public realm should be considered further.

- Students should enjoy access to the courtyard, but this needs to be a managed solution to avoid any anti-social behaviour issues

1.11 In response to the DRP comments, that applicants have commented as follows:

The applicant's agent, HTA, received the formal feedback, and the following is a summary of their conclusions with a comment on how they have responded.

DRP

Concerns were expressed that the proposals were too reliant on referencing the previous schemes, the cinema (and the economics of the site) dictate the massing. The consequences of this was that the proposals were perceived as too bulky and 'boxy' in relation to the wider context.

RESPONSE

HTA have reviewed the proposals and further refined the massing to reduce the height of the wings by a storey, to increase the subdivision of the gables and to split the courtyard side of the building into three parts.

DRP

The panel expressed concern over the single aspect rooms north facing rooms to the Westway. There was also a comment that the design of the wings did not need to be symmetrical.

RESPONSE

We have introduced bay windows to the north elevation of the Westway wing to allow rooms to gain either east or west sunlight and to provide a more varied outlook up and down the Westway. This has resulted in the two wings appearing subtly different in design while still following a similar design language.

DRP

A sense from the panel that the corner element could be taller to Savoy Circus and that the wings could be lower to improve the relationship to the context. This should result in a greater differential between the knuckle and the wing.

RESPONSE

As noted by dropping the wings we have increased differential between corner and wings. We didn't feel it was appropriate to increase the height of the tower on the basis of discussion at the planning committee and the reasons for refusal of the previous proposals.

DRP

Ground floor units along Old Oak Road should be raised above pavement level.

RESPONSE

We have revised the point of access to a position where it would be level with the northern part of the site with the benefit of raising the student rooms slightly above the level of the adjacent ground level. This varies around the site as the adjacent pavement level changes but varies between 200 and 400mm. This has also improved the relationship between the entrance and Savoy Circus.



#### DRP

The design and subdivision of the gable elevations should be improved as it wasn't considered sufficient to reduce the apparent scale of the building from the conservation area.

#### RESPONSE

HTA have revised the design of both gable ends to the building. To the south we have created more of a step in plan between the east and west half of the plan so that it is more defined. We have also redesigned the fenestration. To the north we have created a 'shadow gap' expressing the corridor between the two residential wings. The fenestration and detail have also both been reconsidered.

#### DRP

The hard landscape immediately to the front of Savoy Circus could do more to announce and express the entrance to the development.

#### RESPONSE

This area is outside our site area but HTA understand that it forms part of the proposed TfL Cycle Super Highway and that renewed landscape proposals will be forthcoming for the whole of this frontage. We are committed to working with TfL to ensure that the new entrance to the building is clearly reflected in the public realm to this frontage and will work with TfL closely as their proposals develop.

#### DRP

Students should be able to access the courtyard

#### RESPONSE

We have considered this with Officers carefully and it is considered that this would be difficult to achieve while ensuring that the impact on local residents is minimised. We are therefore proposing to retain the courtyard for the students visual amenity only.

#### DRP

The proposed building is too big.

#### RESPONSE

We have reduced the height of the proposals by a storey and reduced the number of units by 14 (or 5%) to significantly reduce the scale of the building.

1.12 To summarise, the applicants have reviewed the scheme following the earlier refusal of planning permission, and taking into account the comments made by the DRP have amended their proposals for the site as follows:

- o Elevations were redesigned to reflect the history of buildings on the site and to relate to the characteristics of the conservation area
- o The height of the building was reduced, so that it is lower than the previously approved hotel scheme; accordingly, the scale and massing of the proposed building has also been reduced
- o Two accessible car parking spaces would be provided on site, as well as an on-site servicing bay and an area to allow off-street loading/unloading/servicing of the site.
- o The number of students that could be accommodated on site has been reduced by 14

1.13 In support of their application, the applicants have stated:

- o The area has suffered from a lack of investment in recent years
- o The proposal would bring a previously developed site back into use
- o The students would contribute to the local economy
- o Construction would be in a modular form, which would reduce the construction time and length of disruption to the local area
- o The applicant is willing to enter into a Section 106 agreement that restricts occupation to students on a full time course in an educational establishment

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 Notification letters were sent to over 200 properties in the streets surrounding the application site and a number of site notices were posted, along with an advertisement being placed in the local press.

2.2 Objections were received from nine addresses: 13, 20, 32, 34 and 36 Foxglove Street, 31 Hilary Road, 162 Old Oak Road, 28 Brentmead Gardens (NW10) and 1 St Christophers Mews; and are summarised as follows:

- development would be out of keeping with the residential character of the surrounding area
- development would cause noise nuisance and disturbance for local occupiers
- development would not be in keeping with the character and appearance of the conservation area
- building would be too high, nothing else of this nature is in the area
- proposal would result in loss of privacy and overlooking
- proposal would result in loss of daylight and sunlight to property/garden
- local area is already very congested, the scheme would result in increased traffic congestion and have a detrimental impact on parking in the area
- it is not clear how the use would be managed to protect residents
- considerable disruption would arise from the building programme, and the loss of the bus stop would harm older residents and those with young families
- there is insufficient information relating to mitigation of construction dust, noise etc
- there is insufficient information regarding the need for the student accommodation
- moving in/out arrangements would cause chaos in the area, there is no guarantee that this would be properly managed
- concerns about contamination on the site and what effect this would have on local occupiers
- refuse storage/collection arrangements would result in smell nuisance and increased vermin
- compensation should be paid for disruption during the building works
- potential impact on TfL Super Highway

2.3 Transport for London were consulted on the application; and they have responded stating that a Delivery and Servicing Plan and a Student Management Plan must be provided as part of any legal agreement; and that these should be monitored. They say that they have discussed the development with the developer and requested a 0.6m setback of the building on the northern boundary, free from obstruction and flush with the pavement; connected with their plans for a cycle superhighway at this location. They would seek a contribution of c. £75,000 from the developer towards the cycle superhighway. A construction logistics plan (CLP) also needs to be submitted and

agreed prior to commencement of any works on the site. (Officers' comment: A Delivery and Servicing Plan and CLP would be secured in the legal agreement as part of a planning approval).

2.4 Thames Water were consulted and have commented that they have no objection to the proposed development, subject to conditions on water supply infrastructure; and no piling to take place until a piling method statement is submitted and approved. They would also expect the developer to minimise ground water discharge to the public sewer. (Officers' comment: These matters would be added as informatives to a planning approval).

2.5 London Underground have commented that they have no comment to make on the application.

2.6 LB Ealing were consulted and they have not commented.

2.7 The Hammersmith Society were consulted and commented as follows:

o The scheme now and previously respects the form of the 'Circus' and generally the configuration is similar to that of the Cinema/Old Bingo Hall. The new application specifically includes some art deco elements evoking the original 1931 Savoy Cinema, in a way we consider satisfactory. The elevation facing Savoy Circus, rising above the wings of the building and with strong vertical detailing to the windows suggests cinema design of that era. The use of materials (brick, green glazed brick, and reconstituted stone for window surrounds and cornices) is appropriate to the design and location. We welcome the reduction in height by one storey compared to the previous application with corresponding reduction in units by 14.

o We welcome the introduction of angled windows on the north elevation to Westway to help the single-aspect rooms get some access to east or west sunlight. The application has responded positively to several of the Design Review Panel's comments.

o We are less happy with the south elevation adjacent to Old Oak Road, where the indoor car park area at ground level leaves an unresolved large opening in the building.

o We are still concerned that it is not intended to give the occupants any access to the garden. As many students occupying rooms are likely to come from abroad, they may well be living on the premises for a whole year without returning home. To have no outdoor sitting space is unacceptable, particularly as there is no public park in close walking distance. The Student Management Plan (p20) refers to 'controlled opening hours' of some areas, and we strongly suggest the garden should be subject to this arrangement, to ensure a reasonable quality of life. If this point and the treatment of the car parking spaces at the rear of the building could be resolved, we feel this development would make a very positive contribution to the local scene.

2.8 The Hammersmith and Fulham Historic Buildings Group were consulted and have not commented.

2.9 The Crime Prevention Design Advisor was consulted but has not commented. He did not raise any objection to the earlier refused scheme.

2.10 The London Fire and Emergency Planning team were consulted and they have not commented.

2.11 HAFAD were consulted on the application and have not commented to date.

2.12 The planning matters raised in the responses received are discussed in the body of the report below.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations arising from this proposal relate to:

- The principle of the proposed student accommodation use in land use terms
- Visual amenity, impact on the streetscene and on the character and appearance on the surrounding area, including impact on the conservation area
- Residential amenity, and in particular, the impact of the development on the amenities of neighbouring occupiers, in terms of light, outlook and privacy; noise and disturbance
- Secured by Design matters
- Whether the proposed units would have acceptable living standards for future occupiers
- Accessibility matters
- Impact on the local highways, parking conditions and traffic generation issues
- Refuse/waste matters
- Environmental matters including energy and sustainability, flood risk and air quality, contaminated land

### LAND USE

3.2 The application site is a cleared plot of land (the former cinema was demolished in 1996) located at the southern side of Western Avenue, at the junction with Old Oak Road. The site measures some 1,700 sq.m. The application proposes to create student accommodation, comprising of 306 rooms.

3.3 The key land use issue is whether the proposed student accommodation is considered acceptable, in principle, in this location.

#### Student accommodation

3.4 London Plan Policy 3.8 states that strategic and local requirements for student housing meeting a demonstrable need should be addressed by working closely with higher and further education agencies and without compromising capacity for conventional homes. Supporting paragraph 3.53 states 'Unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy. Addressing these demands should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities.' (Policies 3.10-3.13).

3.5 Core Strategy Policy H6 states: 'The council recognises the London-wide need for student accommodation, and to assist in meeting this need it will support applications

for student accommodation as part of mixed use development schemes within both the White City and Earls Court and West Kensington Opportunity Areas. Applications for student accommodation outside of these areas will be assessed on a site by site basis, but the council will resist proposals which are likely to have adverse local impacts.'

3.6 Policy DM A7 of the Development Management Local Plan 2013 (DMLP) states: 'Where additional student accommodation is required, it will be supported as part of major new development schemes in the White City and Earls Court and West Kensington Opportunity Areas (see Core Strategy Policy H6). An application for student accommodation will need to show that:

- a) The site is in an area with good public transport accessibility (normally PTAL 4-6) with access to local convenience services and the proposal would not generate additional demands for on-street parking (development complies - see Highways section)
- b) There would be no loss of existing housing (development complies; there are no buildings on site)
- c) The development does not have a detrimental impact on the local area, and where appropriate should include a management and maintenance plan for the accommodation to demonstrate how the amenity of neighbouring properties will be protected and what steps would be taken to minimise the impact of the accommodation on neighbouring uses (development complies, see paras 3.39 to 3.58)
- d) The accommodation is of high quality, including size of units, daylight and sunlight standards (development complies, see paras 3.32 to 3.35);
- e) Wheelchair accessible accommodation is provided to meet the needs of disabled students (development complies, see paras 3.37); and
- f) The student accommodation should be secured for occupation by members of specified London-based educational institutions (development complies, see para 3.99).'

3.7 The applicants have submitted a report on demand for student accommodation. The report determines that there is significant demand for student accommodation in the London area and that locations such as Savoy Circus are within easy commuting distance of a range of institutions. There are no specific institutions identified in the applicants submissions, though Imperial College (London Wide) and University of the Arts (Central London) are identified as institutions that have large numbers of students living within the area. The report indicates that institutions such as Imperial College West, University of the Arts, Royal College of Nursing, University of West London, University of Westminster, University College and Birkbeck College (amongst others) are all within between 20 and 40 minutes commuting distance from the site. Officers would recommend that if planning permission were to be granted for this development, the S106 agreement should limit the use of the accommodation to full time students registered on a full time course with a higher education establishment.

3.8 Given its position outside of an opportunity area and situated in a mixed commercial/residential area, the principle of providing student accommodation is to be considered on its own merits; and the proposal will have to be assessed in relation to policy DM A7 of the DMLP and also Policy H6 of the Core Strategy 2011 which seeks to direct student accommodation to the Opportunity Areas and indicates that in other locations applications will be considered on a site by site basis and proposals will be resisted that are likely to have adverse local impacts. The primary considerations are whether the site could satisfactorily accommodate this number of students without

adverse impact on the local area including a satisfactory transport impact. In this context the application has to demonstrate satisfactorily that the scheme, in terms of its impact on traffic and parking and on the amenities of surrounding occupiers and local area, would be acceptable. These matters are discussed further below.

3.9 This site has a high PTAL level of 6a meaning that there is excellent access to public transport; and more specialised services/shops in nearby town centres and central London. There is also easy access to local convenience services/shops. In this respect the development complies with parts of Criteria a of Policy DM A7.

#### Affordable Housing

3.10 In housing schemes with 10 or more dwellings, or with the ability to provide this, both London Plan and Core Strategy policy states that a proportion of the accommodation should be for affordable housing. However, the justification for this scheme is that it is to provide for student accommodation to help meet the shortfall of such accommodation in London. The requirement for affordable housing therefore does not apply in this instance. The scheme would not result in the loss of residential accommodation, and would therefore comply with Criteria b of Policy DM A7.

#### DESIGN AND VISUAL AMENITY

3.11 The National Planning Policy Framework and the London Plan provide policies on design quality, as outlined below. Relevant local policies concerning the proposed design of the development include DM G1 and DM G7 of the Development Management Local Plan and Policy BE1 of the Core Strategy.

3.12 Where there would be an impact on heritage assets, it is a key to the assessment of such applications that the decision making process is based on the understanding of specific duties in relation to Conservation Areas required by the relevant legislation, particularly Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.13 Paragraph 129 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their effect on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'. Paragraph 132 of the NPPF states that; 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm to or loss should require clear and convincing justification. '

3.14 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments: 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of

place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.' Paragraph 60 states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

3.15 London Plan Policies 7.1, 7.4 and 7.6 require all new development and architecture to be of high quality, responding to its surrounding context. It is expected that schemes would contribute to the character of the surrounding neighbourhood; and that they would be a positive addition to the streetscene or cityscape.

3.16 Policy BE1 of the Core Strategy 2011 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.

3.17 Policy DM G7 of the Development Management Local Plan relates to the historic environment and states that "the council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument."

3.18 Policy DM G1 of the Development Management Local Plan relates to the design of new development and states that:

'New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form and grain of surrounding development;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) the principles of good neighbourliness;
- f) the local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm; and

- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) the principles of Secured by Design.'

3.19 This site is a prominent corner on the Western Avenue/Old Oak Road junction, and it falls within the Wormholt and Old Oak Conservation Area. This conservation area consists mainly of two storey terraced houses, in the English country cottage style, set amongst generous green spaces. Wormholt and Old Oak Estates were constructed between 1912 and 1928, and represented part of a movement towards higher standards in public housing. Their external quality is now rarely equalled in either private or public housing. The appeal of the conservation area lies partly in its buildings, and partly in its setting. The use of privet hedges, grass verges, street trees and the provision of small 'cottage gardens' are an essential part of the garden suburb image. Variety is provided between groups of buildings not individual properties. Each pair of houses or small terrace is of a single brick and roofing material contrasting or complementing its neighbours. The Wormholt Estate was laid out from 1919, on similar garden city principles to the earlier Old Oak Estate. The houses were seen as a continuation of the earlier estate but were more generously designed. The layout of the estate, and the overriding form of the houses, remain remarkably intact and contribute significantly to the character of the area. A large 1930's cinema was built on the application site after the completion of the housing estate. It formed a prominent landmark on Savoy Circus that significantly exceeded the height of surrounding residential properties. It was a standalone building, that always had a different character to the housing estate. The building was demolished in 1996 to make way for a road widening scheme that was never implemented. The conservation area is divided by the great width of the Western Avenue/Westway. The context has changed relatively recently by the construction of the adjacent 4-storey Banstead Court apartment blocks that replaced 2-storey houses on the Wormholt Estate which were also demolished to facilitate road widening. The opposite corner on the north side of Westway is a 3-storey terrace which is distinctive due to its attractive form and mock Tudor style elevations.

3.20 Given the historic context of a taller building having marked this location, the prominent corner position, the great width of the road and the changed context, officers consider that the site could accommodate a taller building; however, it must also maintain a relationship with the scale and massing of the conservation area and preserve or enhance its character in this highly visible location. With regards to scale and massing on the street, the applicants have consistently been advised of the need to have considerable regard to the approved hotel application; and not to exceed it. This previously approved scheme had pushed the scale, bulk and height on the street to what officers considered to be the maximum tolerance, whilst creating an eye catching landmark at the junction.

3.21 Previous development iterations put forward by the applicant (both at pre-application and application stages) have been considered too tall and bulky on the street; but following substantial revisions the scale and massing of the proposed building has been substantially reduced, so that its height above ground is lower than the earlier approved hotel scheme.

3.22 The overall height and massing of the building has been reduced since the previous application was refused. The height of the wings has been reduced by one full storey, and the height of the corner tower element has been reduced so that it is also



lower than the refused application as well as the hotel scheme. One full storey has been removed from what was a double height mansard roof, reducing it to a single height mansard. The result is that the roof would now be a less dominant feature; and it would have a better proportional relationship to the base and middle of the wings. The mansard is considered to be well articulated with dormer windows arranged in a pattern of pairs to align with piers below. Dormers are a typical design feature throughout the Wormholt and Old Oak Conservation Area and using this as a strong feature of the roofline would help the building relate to its context.

3.23 By reducing the height and mass of the wings the relationship with the corner tower element of the building has been improved. Although the tower has also been lowered in height; it would now be one storey higher than the wings which would be subordinate to it in scale. This would allow the corner element to stand out more clearly as the landmark element of the overall scheme, even though it would not be as tall as it was previously.

3.24 The facade proportions and detailing of the building have strong references to the cinema (1931) that originally stood on the site. The tower would present a splayed façade to Savoy Circus, just as the cinema did. The depth of the tower is also similar. The tower would have a cornice running around the parapet in a similar manner to the cinema, with a decorative patterned band of brickwork with the word 'SAVOY' in the centre. Following discussions with officers it was considered that more could be done with the cornice and detailing, to emphasise the top of the building facing the circus and to make it a stronger townscape feature. Accordingly, the applicants have proposed this revised detail since the application was received, which would include raising the height of the cornice slightly and increasing the size of the lettering. This is considered to be an attractive revision, that would improve the landmark status of this prominent corner.

3.25 The corner of the building would have a double height storey glazed and concrete base that would provide strong visual support for the five further stories of the tower element above it. These facades are considered to be well detailed, with brick piers lined with slim concrete horizontal, and vertical elements framing recessed brick window surrounds with deep reveals. The façade would have plenty of depth and shadow, and this would be further enhanced by banded brickwork on all four corner piers. In a further reference to the 1930's design glazed green brick panels would add further to the distinctive design of the tower.

3.26 In response to comments by the Design Review Panel the façade treatment of the two wings has been differentiated to create more variety and visual interest. Both wings would have a double height storey base of brick piers with concrete lined reveals and deeply recessed glazing. A vertical concrete string course would separate the base from the three stories above that would constitute the middle façade. Both wings would have a strong rhythm of brick piers in a further reference to the original cinema. The Westway facing façade would have paired projecting windows, stacked horizontally between the piers. The projection of the windows would be more shallow than the previously refused application, and would enhance the appearance of the façade. On the Old Oak Road façade, the window bays would be more conventional, and recessed between the piers, so that the pier pattern would be the more pronounced feature of the facade.

3.27 The ends of the building would be wide, but to reduce their visual impact they would be split into two facades, with dark red bricks on the most forward facades, and

light buff brickwork on the recessive elements. There would also be green glazed bricks used

3.28 The proposed building would have many architectural references to the original cinema that stood on the site; and in its proportions, detailing and materials it would relate well to the character of the Wormholt and Old Oak Conservation Area. It has been scaled to relate well to its neighbours on Foxglove Street and Westway, whilst achieving sufficient presence and rich variety of detail to enhance the prominent landmark status of the site, facing the circus.

3.29 The changes made to the current scheme in response to the reasons for refusal on the earlier proposal, include a reduction in height, scale and massing of the proposed building, together with more appropriate materials, which means, in officers' view, that the applicants have successfully considered and overcome the design reason for the earlier refusal of planning permission.

3.30 Officers consider that the proposed development would enhance the character and appearance of the conservation area, is acceptable on design grounds and that the scheme complies with the NPPF, London Plan Policies 7.1, 7.4 and 7.6, BE1 of the Core Strategy and policies DM G1 and DM G7 of the DMLP 2013.

#### Secure by Design

3.31 Policy DM G1 of the Development Management Local Plan requires developments to provide a safe and secure environment and to adhere to the principles of Secured By Design. The safety and security of the students is of prime concern and it is understood that the developer aims to meet full secured by design requirements. Measures such as installing CCTV in strategic positions and using secure door fobs are two of the measures proposed. If the application were to be approved officers consider that a condition requiring the submission of details that show how Secured By Design requirements are to be achieved would be appropriate (see condition 30).

#### QUALITY of ACCOMMODATION

3.32 Policy DM A7 of the Development Management Local Plan includes a criterion which confirms the need for new student accommodation to be of a high standard; and an objective to ensure that a quality living environment has been incorporated in the design of the units. Despite the residential development standards in the Housing SPG specifically not applying to specialist forms of housing including student housing, sheltered housing and homes in multiple occupation, it is still nevertheless vital that students are provided with a high quality of accommodation, not only within their study bedroom/studio, but also in the communal rooms in the building that students would be able to use.

3.33 The applicants state that they have designed the building to provide the standard and quality of accommodation that students now expect. There would be both single bedrooms and sharing rooms for students within the development. The building would also include a common room, a gym and laundry for students to use. There is no bar proposed within the scheme; and the applicants say that they do not intend to sell alcohol from the premises. In any event, that would be a matter for licensing in the future. If they revised their position and applied for a licence, Planning would be given an opportunity to comment on that application.

3.34 Each student unit would either have its own cooking area, or would share such a facility with a maximum of one other student. Each bedroom would be fully ensuite. Each student unit would have full length floor to ceiling windows which would provide light to bedrooms. The rooms have been designed so that the study desks would be close to the full height windows to allow maximum natural light. The rooms would range in size from 22.4 to 30.2 sqm for the '2-dios' (shared); single rooms would measure from 12.7 to 18.1 sqm, and the wheelchair units would measure 20.5 or 20.8 sqm.

3.35 The majority of the bedrooms proposed would meet the minimum BRE daylighting target values. There are some rooms that would miss the target; however, in most cases, the margin of transgression is small. The majority of the rooms would also receive the required BRE sunlight targets. There are a limited number of exceptions which would not meet this, located mainly in the 'corner' part of the proposed building. However, the daylighting and sunlighting levels achievable in the accommodation has been assessed against guidance used for permanent housing, where one might expect the requirements to be higher; and there are no minimum standards available for student accommodation. The students also would have access to common facilities within the building such the common rooms; where lighting would be to a good standard. No objection is raised to the development in terms of quality of accommodation.

#### Accessibility

3.36 The adopted Supplementary Planning Document (SPD) 'Access for All' is relevant in consideration of the acceptability of the scheme. The London Plan requires 5% of student units to be wheelchair accessible. In accordance with London Plan policy 7.2 the development should provide an inclusive environment which meets the specific needs of older and disabled students and visitors as set out in BS 8300:2009. Under the Equality Act 2010 due regard must be had for the potential of the proposal to affect the various needs of protected groups, such as disabled people.

#### Wheelchair accessible accommodation

3.37 The scheme would include 5% wheelchair ready accommodation to cater for the needs of disabled students in line with the recommendations of the Mayor's Academic Forum on student accommodation. Furthermore, a further 5% of the rooms would be easily adaptable, if there is additional demand for wheelchair accommodation. The applicants advise that universities and private providers informed the Mayor's Forum that demand from student wheelchair users was limited and that such 'specialist' accommodation, if provided, was not attractive for occupation by other students. The Housing SPG explicitly excludes student accommodation from the London Housing SPG, so the 10% expectation for conventional housing is not applicable to student accommodation. The intended managing company has been involved in the design of the building and has specified that wheelchair accommodation needs to be provided to meet the predicted demand/need for this accommodation in the building. Officers agree that an appropriate way to manage this is for the developer to 'fit out' the intended wheelchair flats at the outset, and to allow the other 'adaptable' flats to be fitted out with the necessary fittings, if required in the future, depending on demand. The proposal would provide accessible measures within the building such as lifts, common circulation areas, door widths for example. A condition would be attached to ensure the provision of the wheelchair accessible/adaptable accommodation (Condition 34). The proposal

would thereby comply with criterion e of Policy DM A7 of the Development Management Local Plan 2013.

3.38 The Hammersmith & Fulham Disability Forum had no objection to the earlier proposal, subject to the development complying with relevant standards. The arrangements are largely the same for this proposal and as such Officers consider that this would likely be case in the instance of the current proposal.

## RESIDENTIAL AMENITY/IMPACT ON NEIGHBOURS

### Daylight and Sunlight

3.39 The applicants have submitted a daylight and sunlight assessment which was analysed by officers. Since the earlier refusal of planning permission the scheme has been revised to lower its height and reduce its massing. This has helped the relationship with the nearest residential property, 36 Foxglove Street. The impact of the development on lighting conditions has been assessed for residential windows at 30 to 36 Foxglove Street, 15 Foxglove Street, 164 Old Oak Road, the flats above shops on the western side of Old Oak Road (nos.162-209), the flats to the north of the development site on the other side of the Westway and the flats within Banstead Court to the east.

3.40 The scheme has been assessed against the British Research Establishment's (BRE) guidance. Four windows at 36 Foxglove Street, the French doors below balconies to six flats at Banstead Court and a number of windows at 171 - 209 Old Oak Road would be affected. It is worth noting, however, that impact on lighting results for situations such as this can be considered to be skewed, given the fact that the site is vacant, so the starting point for assessing loss of light is exceptionally high. Had the cinema remained the results would be vastly different; and much less pronounced. However, having said that, the cinema has not been in existence for some time, so residents would have largely become used to the existing situation.

3.41 At 36 Foxglove Street, the nearest residential property, four windows would experience a noticeable reduction in daylight ('noticeable' being defined by a reduction of 20% of the existing vertical sky component - VSC). Three of the windows are at first floor level, facing north and west; however these windows serve a landing, and a bathroom so are not habitable. At ground floor level, daylighting to a secondary window to the property's kitchen would be reduced by more than 20%. However, another window to the kitchen would not have a noticeable reduction in daylight. It is considered, therefore, that reduction of light to this property would not cause unacceptable loss of amenity.

3.42 The windows at Banstead Court which show a reduction of daylight of more than 20% are French windows to living rooms, but all of these affected openings are already overshadowed by balconies located above, and this skews the results of the daylight test. The study shows that the light to the 3 windows of the ground floor flats would be reduced by between 20.2% and 30%, two first floor flats by 25% and 29% and the second floor flat by 23%. However, the actual reduction in the amount of daylight (VSC) would be similar to the adjacent bedroom windows and other windows which are just as close to the proposed development but do not show a high percentage reduction because their starting light levels are higher. In this instance, then, it is not considered that the reduction in daylight to the affected windows would in fact be noticeable

because of the existing overshadowing effect of the balconies. It is considered, therefore, that reduction of light to these properties would not cause unacceptable loss of amenity.

3.43 On the western side of Old Oak Road, there are first floor flats sited above the commercial premises in the parade (these premises are in the borough of Ealing). The assessment shows that 16 east facing windows would sustain losses of between 24% and 41% VSC (3 windows 41% loss, 4 windows: 40% loss, 1 window a 39% loss, 1 window: 38% loss, 1 window 37% loss; 1 window: 36% loss; 1 window: 35% loss; 2 windows: 33% loss, 1 window 29% loss and 1 window 24% loss). Due to the reduction in height of the proposed scheme these losses are less than the previously refused student housing scheme (Feb 2016) and are largely similar to the previously approved hotel scheme.

3.44 As advised in the report on the earlier approved hotel application, the majority of the affected flats opposite the site are only one room deep and they have living room, kitchen and bedroom windows to the front. The living rooms, however, cover the whole floor and also have windows to the rear providing a secondary source of light. It is therefore anticipated that no significant loss of light would in fact occur to the primary living spaces. Given the loss of VSC that is anticipated further tests have been carried out by the applicant. Whilst five of the rooms would fail the further BRE guidelines (1 less than the earlier approved hotel scheme), these are understood to be bedrooms which the BRE guidance deems to be less important than other rooms for daylight. On balance, it is not considered that the impact on the properties at Old Oak Road as a whole would be so unreasonable as to justify the refusal of planning permission. Also, the rear windows to these flats are west facing, so the properties would also still have evening sunlight.

3.45 In addition, studies of the overshadowing effect on residential open space to the south and east of the development site has been undertaken. These assessments covered: 1-26 Banstead Court, 30 Foxglove Street, 32 Foxglove Street, 34 Foxglove Street and 36 Foxglove Street. The report demonstrates that all of the gardens and amenity areas tested would meet or exceed the BRE target criteria for sunlight because at least 50% of the areas would receive at least two hours of direct sunlight on 21 March, or the reduction in area receiving sun on that date is less than 20%. It is not therefore considered that any loss of sunlight would be significant.

## Outlook

3.46 Housing Policy 8 of the Planning Guidance SPD states that 'the impact of a proposed development on outlook it is dependent upon the proximity and scale of the proposed development, but 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. On sites that adjoin residential properties that have rear gardens of less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties'.

3.47 The proposed development is not located immediately behind residential properties with gardens. Impact on outlook has therefore been judged by using on-site assessment. Outlook from the terrace to the south-west at 30 - 36 Foxglove Street would not be directly affected as windows to these properties generally face north/south; not towards the development. On the western facing elevation to 36 Foxglove there are non-habitable landing and bathroom windows at first floor level; and a secondary window to a kitchen at ground floor level (which has a further window facing north). The habitable windows in Banstead Court are at a such a distance that outlook to that property would not be adversely affected. Similarly, outlook from properties on the opposite side of Old Oak Road, would not, given the distance between them and the development, have a demonstrable impact on their outlook.

#### Privacy

3.48 SPD Housing Policy 8 (ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. The student window windows for the proposed development would comply with this, and as such no objections on loss of privacy are raised. It is accepted that there would be some overlooking of gardens, however the planning policies do not specifically protect against overlooking of gardens since it is acknowledged that private amenity spaces are most often already overlooked by other residents in an urban setting; as is the case here.

#### Noise and Disturbance

3.49 Development Management Local Plan Policies H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Housing Policy 8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.50 In terms of the use of the development and its impact on residential properties, it is noted that the site is currently vacant, and it is acknowledged that there would be increased activity on the site due to the number of students that it is anticipated would live there. However, the entrances into the development, and therefore the comings and goings of students, are proposed to be at the northwest corner of the site, which is a heavily trafficked area and busy junction; and is the furthest removed location from residents. It is considered that the comings and goings of students (which are likely to be at staggered intervals throughout the day and evening) would be most unlikely to result in demonstrably harmful levels of noise and disturbance.

3.51 The applicants propose that the accommodation would be managed by CRM, a professional management company that is a specialist provider in student accommodation. Officers are advised that CRM currently manages some 14,000 study rooms across nearly 60 sites throughout the UK. The applicant advises that they would provide an in house management team and 24 hour staffing, including a manager and maintenance staff. CRM have been directly involved in the design of the building from the outset, and have prepared a draft site specific management plan which has been submitted in support of this planning application.

3.52 The management plans lists the measures that CRM would use to ensure that students respect local residents. Officers are advised that CRM are a board member of the 'Code' which provides a stringent outline of how the scheme should be run offering peace of mind to the local community and the student residents. The applicants say that understanding and managing the interactions between the tenants and the other occupiers within the area is a key focus of CRM's day to day work. They say that CRM take complaints seriously, and the draft management plan lists the protocols and procedures that they would have in place. The development would benefit from a 24/7 management strategy, which would include dedicated management via a CRM team during the core times of Monday to Friday, 9am to 6pm. The on-site team's management would vary, depending on the needs of service; for example across the move in period, more management would be necessary, and beyond core times. CRM has confirmed that given the room numbers proposed and extent of the scheme, they anticipate the provision of the management team would include the following: Full-time Accommodation Manager, Full-time Assistant Accommodation Manager, Full-time Maintenance Operative.

3.53 Generally, during core hours, the property would be managed by the Accommodation Manager, and their assistant. Outside of these hours, it is intended that 'Community Ambassadors' would be on call, on a rota basis, to ensure that the scheme is manned. The applicant advises that Community Ambassadors are 'mature individuals chosen from the residents who positively contribute to the management of the scheme and the wellbeing of other students'. These measures would hopefully reassure existing residents of the area that an effective management regime is in place and that any problems they have could be resolved quickly. The finalised management plan would be agreed and secured through the legal agreement. Though the refuse store would be located at the southern end of the development, close to the junction with Foxglove Street, is not considered that this would result in significant noise nuisance for neighbouring properties such that planning permission should be refused.

3.54 It is also noted that the soft landscaped area is situated at basement level to the south of the building, and whilst this is situated adjacent to the boundary with residential properties, the applicants propose that this is for visual amenity only and would not be accessible to students.

3.55 Officers consider the staggering of arrivals and departures at the beginning and end of the academic year, provision of off-street servicing area, along the other management measures identified above, would minimise any localised disruption in terms of vehicular movements, parking conditions and noise/disturbance arising and would not result in any material harmful impact to neighbouring residents.

3.56 Planning conditions would control noise and vibration to and from the premises (Conditions 20-28); and there would also be a condition regarding external lighting to prevent undue light spillage to neighbours (condition 35). The provision of a Servicing Management Plan including times of deliveries and collections, and vehicle movements would be required under the terms of the legal agreement.

3.57 Informatives would be attached to any planning permission covering permitted hours of working and the need to notify neighbours in advance of construction work, to give residents contact details etc and regular updates. This would also be detailed in the construction management plan.

3.58 For the above mentioned reasons, it is considered that the proposed development would not materially harm the residential amenity of surrounding residents by reason of loss of outlook and privacy, loss of daylight and sunlight, and noise nuisance and disturbance.

## HIGHWAYS AND CAR PARKING

3.59 Development Management Local Plan Policy DM J1 requires all development to be assessed for their contribution to traffic generation and congestion; and Policy DM J2 requires developments to conform to the approved car parking standards. However, there are no specific parking requirements for student accommodation and each application is treated on its own merits. The application has been accompanied by a Transport Statement.

3.60 The proposal is for 306 rooms of student accommodation, including a common room, gym, laundry and ancillary café. The site has excellent public transport accessibility (PTAL 6A). Transport for London (TfL) is the highway authority for the A40 on the north side of the site, plus a small return into Old Oak Road. LBHF is the highway authority for the majority of Old Oak Road and for the whole of Foxglove Street. TfL's red route controls continue along the whole of the site's western frontage on Old Oak Road which prevents waiting and loading on this part of Old Oak Road, as well as on the A40. Foxglove Street is one way out onto Old Oak Road. Therefore any vehicles needing to access the southern part of the development site from Old Oak Road would need to access this via Hilary Road and travel the full length of Foxglove Street.

## Trip Generation

3.61 The applicant's submission sets out trip generation as follows:

3.62 a. Weekday trip generation for the scheme has been predicted based on an analysis of other sites of student accommodation (site(s) agreed with LBHF Highways officers) and 2011 census data.

Modal Split				
Mode	% Split	AM Peak Trips	PM Peak Trips	Daily Trips
Underground	43%	25	28	341
Train	6%	4	4	48
Bus	21%	12	13	166
Bicycle	11%	6	7	87
Walk	15%	9	10	119
Car	0.5%	0	0	4
Car passenger	2%	1	1	16
Motorcycle	2%	1	1	16
Taxi	0.1%	0	0	1
<b>Total</b>	<b>100%</b>	<b>58</b>	<b>64</b>	<b>798</b>



3.63 b. Moving in and moving out at start and end of students' stay.

3.64 The transport statement provided by the applicant provides the following information on students moving in and out. This includes the following process for moving in:

(i) For moving in students would be assigned 20 minute slots to unload, within a 30 minute time slot on a Saturday or Sunday. This would take place over 3 to 4 weekends between 0800 and 1800 hours. This would allow for up to 120 arrivals by car each weekend; or 360 arrivals over three week-ends. Unloading is proposed to occur off-street utilising (for this short period) the two disabled car parking bays, plus the service bay.

(ii) The applicant states that the moving out process would be significantly less constrained, as students tend to move out over a more extended period of time, due to individual courses within universities finishing at different times. However, the management plan will include this process. A detailed management plan would need to be secured if planning permission were granted; this would be secured within the legal agreement.

#### Car parking

3.65 Two on-site accessible car spaces are proposed as part of the development. These would be conditioned for use only by a blue badge holder resident within the building, apart from during moving in / moving out periods (see above). No other car parking is proposed. This is considered acceptable, providing that the student accommodation would be car permit free, i.e. that students would not be able to apply for a parking permit to park on-street within the LBHF CPZ (see legal agreement). The applicants are agreeable to this.

3.66 The provision of the accessible bays would require amendments to the (historic) cross-over to the site and a reduction of on-street parking by approximately a one car length. This is considered acceptable by officers, as the latest (2015) parking occupancy figures indicate an overnight weekday parking occupancy of about 56%.

#### Cycle parking

3.67 The London Plan (2016) requires one cycle parking space per two bedrooms for student accommodation. The transport statement notes that 176 cycle spaces would be provided. This would exceed The London Plan standard. These spaces would be sited in the basement, with a lift offering the principal means of access. This level of provision is considered acceptable, but usage should be monitored via the travel plan, and additional cycle parking provided if necessary. Details of the cycle parking should be conditioned, with the cycle parking being provided for the lifetime of the development (Condition 13).

#### Servicing

3.68 A draft Delivery and Servicing Plan has been submitted as part of the application. This proposes off-street servicing from an on-site service bay which would be kept exclusively for the servicing of the site (except during the limited periods when students

would arrive/depart the accommodation at the beginning/end of year). Servicing needs for this development are limited, and would relate to, in the main, servicing the on-site café where deliveries are not expected to be more than one small vehicle a day. The arrangements are considered acceptable. A service and delivery plan for delivery vehicles travelling to and from the site by way of the proposed two way section of Foxglove Street would be secured by the legal agreement (see below).

#### Travel plan

3.69 A draft travel plan for the development has been provided. A final travel plan would be secured via any planning approval in the legal agreement with formal monitoring at Year 1, Year 3 and Year 5 (see below). The travel plan should include the agreed procedures for moving in and moving out and the formal monitoring of the plan should provide the mechanism for monitoring and amending any arrangements to address issues arising.

#### Construction

3.70 The building would be of a modular construction; modules would be manufactured off-site and assembled on-site. Trip generation by construction vehicles is estimated as follows by the applicants, occurring at different stages of construction:

- o Piling: 20 concrete lorries per day for 5 weeks; and 2 lorries per week for 5 weeks.
- o Groundworks: 35 large tipper lorries per day for 6 weeks, plus 3 lorries per week for 6 weeks.
- o Structural Frame: 10 lorries per day for 16 weeks, plus 2 lorries per week for 16 weeks.
- o Modular construction: 12 lorries per day for 6 weeks.
- o Cladding: 3 lorries per day for 6 weeks.

3.71 In addition, there would be smaller deliveries using vans totalling about 6 movements per week during the whole period of construction. It is proposed that only a limited number of vehicles would access the site during peak periods. Construction vehicles' arrivals and departures would be planned with booking slots, and this would be administered via an online booking system.

3.72 Two options for construction have been put forward with final agreement needing to be reached between the developer, Transport for London and LBHF via a Construction Logistics Plan (which would be secured in a legal agreement; see below). One option would require all construction traffic to enter the site from an access point in Foxglove Street with reversing of larger vehicles controlled by banksmen. Access would be directly from Old Oak Road by the change of the western end of Foxglove Street from one way to two way working. However, subject to agreement of all parties a second option would see the bus stop in Old Oak Road suspended with many construction vehicles using this area rather than entering and departing via Foxglove Street, e.g. the modular units would be lifted into the site from a vehicle on Old Oak Road. The applicant indicates that the eastern footway would be kept open by way of the construction of an overhead gantry above the footway.

## Highways Works

3.73 The applicant proposes changes to the junction of Old Oak Road / Foxglove Street. The main element of this proposal is to convert the very western end of Foxglove Street from one way to two way working. This would allow access to the service bay and disabled parking bays on site, without requiring vehicles to access the site via Hilary Road and the full length of Foxglove Street. In addition the pedestrian movements across the mouth of this junction would be improved.

3.74 A similar proposal was proposed and accepted for the previous application (hotel scheme) for this site and is considered acceptable subject to the Order making procedures. The full cost of this would need to be funded by the applicant by way of a Section 106 / 278 agreement. A preliminary design of the highway changes has been proposed by the applicant. However, the final detailed design would be carried out by LBHF as highway authority, and would be subject to an independent road safety audit process.

3.75 The provision of the on-site accessible bays would require amendments to the (historic) cross-over to the site, and a reduction of on-street parking by approximately a one car length. The works should include the repaving of the footway in Foxglove Street including the reconstruction of the cross-over to the site.

## Refuse and Recycling

3.76 London Plan Policy 5.16 outlines the Mayor of London's approach to waste management. Core Strategy Policy CC3, Development Management Local Plan Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 set out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.77 The proposal would provide an internal refuse and recycling store, at basement level. The bins would be brought to the surface by the managing team on collection days. The size and location of the store is considered to be acceptable (as long as the management company bring the bins to the collection point). Officers are satisfied that this element of the development would comply with the relevant policies and requirements.

3.78 Refuse collection is proposed from the southern end of the site in Foxglove Street; and the arrangement has had regard to the SPD. The Delivery and Servicing Plan shall include management provisions for refuse collection.

3.79 The applicants have revised their proposal for the current scheme in response to the reasons for refusal stated for the earlier refused application. With the provision of two blue badge spaces (off-street) and the creation of a servicing bay (off street), officers consider that the applicants have satisfactorily considered and responded to the concerns raised over the previous scheme.

3.80 The application is considered to be acceptable on transport grounds. Cycle parking, the disabled parking bays, a management plan (in respect to moving in/moving out of students), a travel plan, a service and delivery plan, a Construction Logistics Plan and funding for highway works would be secured in the legal agreement and/or conditions if approval is forthcoming.

## ENVIRONMENTAL CONSIDERATIONS

### Contamination

3.81 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. However, officers have no objection to the proposal subject to conditions 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

3.82 The applicant has submitted a Preliminary Risk Assessment for the site/development. This report was considered to be acceptable. As such with the appropriate conditions in place, the development is considered acceptable with regard to land contamination (Conditions 4 - 9).

### Energy Efficiency, Renewable Energy and Sustainability

3.83 In support of their development, the applicants have submitted a Sustainability Statement and an Energy Assessment. Furthermore, a BREEAM New Construction Assessment has been carried out for the proposal. This provides an environmental performance standard against which new, non-domestic buildings in the UK, can be assessed and achieve a BREEAM New Construction rating. The Assessment shows that the development would achieve the 'Very Good' rating by integrating a range of sustainability measures e.g. measures that would reduce energy and water use, minimise waste and promote recycling, use sustainable construction materials, improve the site and ecology and minimise pollution impacts.

3.84 The measures outlined in the BREEAM Assessment include a Combined Heat and Power system and PV panels at roof level and are considered to be acceptable to meet the requirements of both the Development Management Local Plan 2013 and The London Plan 2016, in terms of sustainable design and construction. A condition requiring the integration of the measures as outlined and one requiring the submission of a Post-Construction Assessment to confirm that this has been carried out is recommended (Conditions 37 and 38).

3.85 In terms of energy use and CO<sub>2</sub> reduction, the applicant's assessment shows that the planned energy efficiency and low/zero carbon measures are calculated to reduce emissions by 35.1% compared to the minimum requirements of the Building Regulations 2013. This represents a 40% improvement over the 2010 Building Regulations and as such complies with the GLA's requirement. If built to meet the Building Regulations, the annual CO<sub>2</sub> emissions for the site are calculated to be 390 tonnes for regulated energy use. Energy efficiency measures such as improved insulation, use of energy efficient lighting and other plant and equipment would reduce emissions by 51 tonnes a year. A communal combined heat and Power (CHP) unit is planned to provide heating and generate electricity. This is calculated to further reduce emissions by 68 tonnes. On-site renewable energy generation is also planned in the form of roof solar PV panels, which would reduce CO<sub>2</sub> emissions by another 19 tonnes a year. Overall, the planned carbon reduction measures are acceptable and would meet the required London Plan target. In this respect the development complies with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of The London Plan (2016), Policy CC1 of the Core Strategy 2011 and Policy DM H1 of the Development Management Local Plan 2013.

## Air Quality

3.86 Due to the proximity of the site to busy roads such as the Westway and Old Oak Road an Air Quality (AQ) Assessment has been submitted with the application. This assesses the potential exposure to poor air quality for future residents in the new units to be built on the site and existing residential receptors. The whole of the borough is an air Quality Management Area for two pollutants: nitrogen dioxide (NO<sub>2</sub>) and small particles (PM<sub>10</sub>). The assessment therefore concentrates on assessing levels of these pollutants, both for current conditions, and also for a future scenario 2016 (anticipated completion year), with a number of potential receptor points around the site being checked for NO<sub>2</sub> and PM<sub>10</sub> concentrations. The AQ assessment also considered construction phase impact and mitigation requirements, which would be secured by condition (15).

3.87 The assessment predicts that the Government's PM<sub>10</sub> objectives are likely to be met at the site in 2016. This is in line with expectations for PM<sub>10</sub> in the borough. For NO<sub>2</sub>, the assessment predicts that exceedances of the annual mean target are expected at most of the on-site receptor points considered. The assessment has demonstrated that the scheme would not cause any exceedances of the air quality objectives at existing properties due to the CHP (with mitigation), but exceedances of the annual mean nitrogen dioxide objective would occur at the proposed development on the ground (basement locations were not considered) to fifth floors. Given that concentrations at the lower floors of the proposed development would be above 60 micrograms/m<sup>3</sup>, there might also be exceedances of the 1-hour mean nitrogen dioxide objective which would also need to be mitigated. NO<sub>2</sub> levels reduce with increasing height, so from 6th floor and above, the objective is expected to be met. NO<sub>2</sub> levels at roof height would be expected to be below the annual mean target. As a result the AQ assessment recommends that additional measures would mitigate the issues.

3.88 The predicted concentrations of nitrogen dioxide show that mitigation would be required for all residential units at least up to the fifth floor of the proposed development. It is recommended, and stated by the air quality consultants, that student rooms up to fifth-floor of the proposed development would be provided with mechanical ventilation. The AQ assessment recommends ventilation system should draw air from an inlet located away from the road traffic source. The roofs or rear sides of the sixth floor or higher are considered suitable locations, as concentrations would be below the nitrogen dioxide 1-hour mean and annual mean objective levels. Care would need to be taken to locate the inlets for the ventilation away from any local sources such as boiler and CHP flues and kitchen vents. With this mitigation in place, the air quality impacts are judged to be negligible. Officers consider that this approach would be acceptable and in line with the requirements of London Plan policy 7.14 on air quality, provided there are no other means for ingress of polluted air into the building, particularly at locations where concentrations are likely to be above the nitrogen dioxide 1-hour mean and annual mean objective levels. Otherwise further mitigation may be required to be designed in. This could be secured through condition (16).

## Energy Plant and Boilers Impact

3.89 Details have been provided in the Air Quality (AQ) Assessment to specify the plant used to assess the boiler and CHP impacts. As recommended in the assessment, if the installed plant would not conform to these parameters set out in the assessment, additional assessment and/or mitigation would be required. The AQ assessment has

recommended that the CHP energy plant flue conform with the specifications to minimise air quality impacts set out in the Mayor's Sustainable Design and Construction SPG (GLA, 2014a). The assessment has recommended that the proposed development install ultra low emission boilers <40 mg NO<sub>x</sub>/kWh at 0% O<sub>2</sub> to comply with the Mayor's Sustainable Design and Construction SPG and abatement (catalytic reduction) of NO<sub>x</sub> emissions applied to the CHP to achieve an emission rate of <95 mg NO<sub>x</sub>/Nm<sup>3</sup>. Matters relating to building emissions are covered by conditions (17 to 19).

3.90 The Air Quality Neutral Assessment was undertaken to assess transport and building emissions in accordance with the Mayor's Sustainable Design and Construction SPG. The transport related emissions associated with the proposed development are below the relevant air quality neutral benchmark. The building related emissions may, however, be above the relevant benchmark. It might, therefore, be difficult for the proposed development to fully comply with the requirement that all new developments in London should be at least air quality neutral. Suitable mitigation measures to reduce building emissions would therefore need to be agreed which could be achieved through a Low Emission Strategy condition (17) to ensure air quality neutral below benchmark levels is reached. Preference should be given to on-site emissions reductions rather than off-site. However where this would not be possible, as recommended in the AQ assessment; the developer should investigate options for providing NO<sub>x</sub> and PM abatement measures offsite in the vicinity of the development which would involve working with the council, or nearby property owners, to identify suitable mitigation measures.

#### Flood Risk and Sustainable Urban Drainage

3.91 The site is located in Flood Risk Zone 1 (lowest chance of tidal flooding). An assessment of potential Sustainable Drainage Systems (SUDS) has been included as part of the Flood Risk Assessment (FRA), and within a separate SUDS Strategy submission. The Mayor of London's Drainage Hierarchy has been followed in assessing and proposing SUDS for the site to manage surface water run-off and reduce the flows being directed into the combined sewer network.

3.92 The submission outlines the proposed use of rainwater collection for external irrigation purposes, use of permeable paving and planted rain gardens which would promote infiltration of run-off as well the integration of a stormwater attenuation tank. Following discussions with officers, it has been agreed that the development would integrate a rainwater harvesting system to collect rainwater for re-use on-site, for example, for toilet flushing purposes. Additional rainwater collection is also planned using water butts in the courtyard area for irrigation uses. Permeable paving is also planned for the courtyard area which would also include planted rain garden areas, which would provide areas where some rainfall would be able to infiltrate subsoils directly. An underground attenuation tank would also be installed to provide a large storage area where rainwater could be directed from the developed site for controlled release into the combined sewer. The proposed storage volumes to be provided and the proposed flow rates for surface water off-site are considered to be acceptable.

3.93 Overall, the proposed SUDS strategy is considered sufficient to comply with London Plan and local plan requirements, subject to the submission of further details of the exact measures to be installed and maintenance details, to ensure that the systems would operate as required for the lifetime of the development. These further details would be secured via condition (Condition 33).

3.94 As well requiring SUDS measures, Local Plan Policy DM H3 also requires the installation of water efficiency measures such as water efficient fixtures and appliances. This is covered by the BREEAM Assessment submitted, which shows compliance with sustainable design and construction requirements. A condition requiring the implementation of measures to achieve the proposed 'Very Good' BREEAM rating would ensure that water efficiency measures would be implemented (Condition 37).

3.95 With regards to flood risk matters it is considered that the proposed development complies with Policy DM H3 of the DMLP 2013 and Policy 5.13 of The London Plan.

## COMMUNITY INFRASTRUCTURE LEVY

3.96 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development would be subject to a London-wide community infrastructure levy. This would contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with Policy 8.3 of The London Plan (2016). It is expected that this development would require a payment of £450,000.

3.97 LBHF's CIL requirements commenced in September 2015. This is a charge the Council levies on the net increase in gross internal area floorspace arising from development in order to help fund infrastructure that is needed to support development in the area. It is estimated that this development would require a contribution of around £745,000.

## PLANNING OBLIGATIONS

3.98 In dealing with planning applications, local planning authorities consider each proposal on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.99 The proposed legal agreement would include the following Heads of Terms:

- Highways works, contribution towards `frontage works`, including cross-over work and amendments to parking proposed by the developer and a reconfiguration of the Foxglove Street junction with Old Oak from one-way traffic to two-way traffic
- Ensuring that the accommodation shall be for use of students only, studying a course full-time in a higher educational institution in London
- Restriction on students being able to sub-let the units
- Submission of a travel plan including formal monitoring at Year 1, Year 3 and Year 5
- Submission of a Construction Management Plan, Construction Logistics Plan and a Servicing and Deliveries Management Plan
- The student accommodation scheme to be managed in accordance with an agreed Management and Maintenance Plan

- With the exception of disabled students, and students who have impaired mobility whom may apply for Blue Badges, no occupiers of the Student Accommodation units to be eligible to obtaining residents' parking permits to park on-street in the controlled parking zone

#### 4.0 CONCLUSION and RECOMMENDATION

4.1 Taking the above matters into account officers consider that the proposed redevelopment of the site for student housing 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 scheme is considered to be of acceptable design which would not harm the setting of the existing building and its surroundings. The character and appearance of the conservation area would be enhanced. The scheme is considered to be in accordance with relevant national guidance (NPPF), London Plan policies and DMLP policies relating to matters such as inclusive access, transport, environmental impacts and sustainability.

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