

London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 14th December 2016**

**Index of Applications, Enforcement Actions, Advertisements etc.**

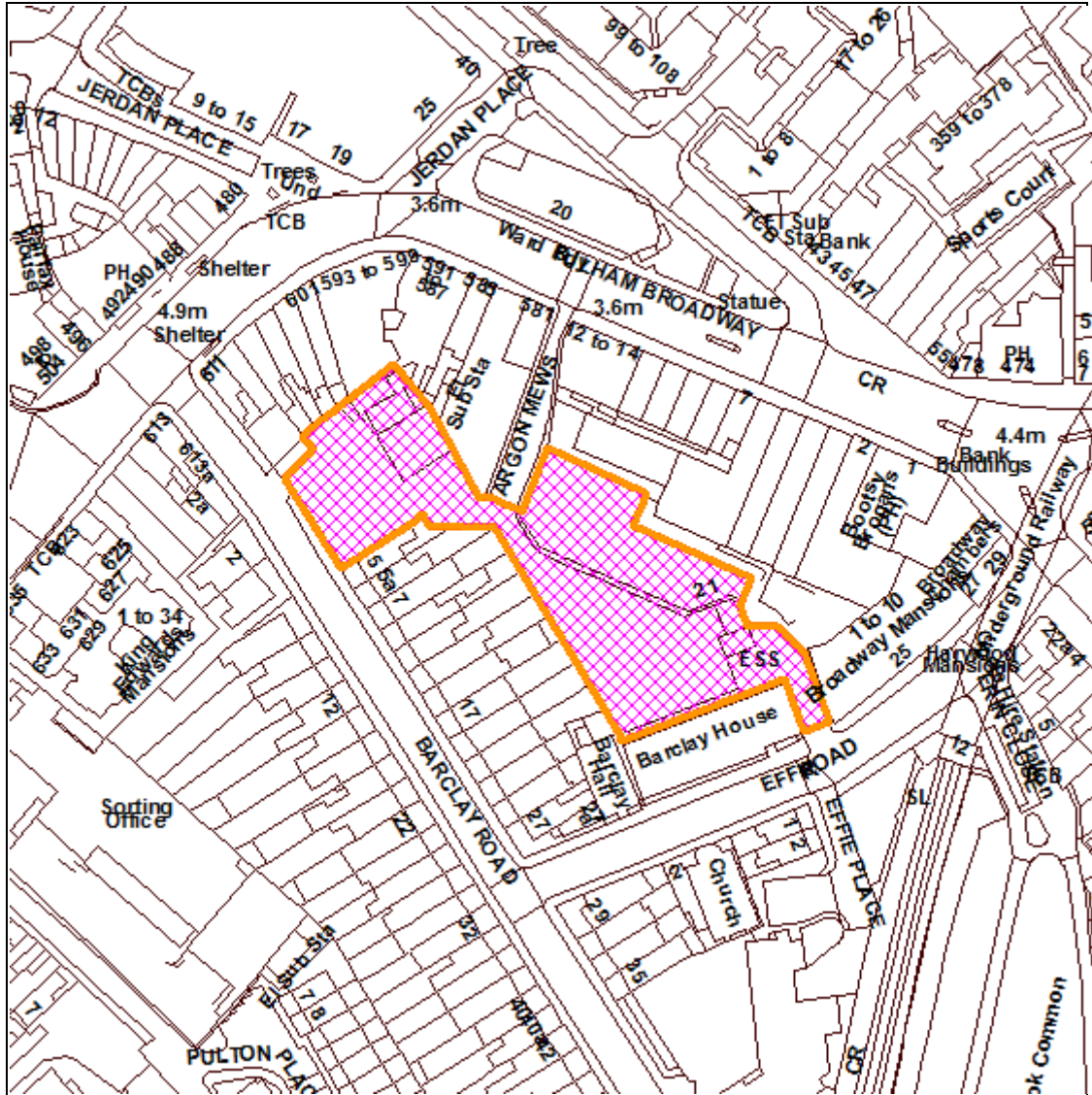
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**Ward:** Town

**Site Address:**

21 Effie Road London SW6 1EN



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

**Reg. No:**  
2015/04542/FUL

**Case Officer:**  
Simon Taylor

**Date Valid:**  
07.01.2016

**Conservation Area:**  
Walham Green Conservation Area - Number 14  
Barclay Road Conservation Area - Number 15

**Committee Date:**  
14.12.2016

**Applicant:**

Access Self-Storage  
C/o Agent

**Description:**

Erection of a terrace of 4 x three-storey houses plus basement; alterations to the existing self-storage facility by the erection of extensions at ground, first and second floors to the southern elevation for Class B1 (office) use at ground floor and additional Class B8 (self-storage) space at first and second floors, erection of an infill extension on the northern elevation at second and third floor level, and the erection of an additional floor at roof level; erection of a replacement single storey electricity sub-station (south east corner of site); reconfiguration of vehicular access/egress to enter site via Effie Road and exit via Argon Mews, and associated car parking and landscaping.

Drg Nos: P\_004 Rev 3, P\_005 Rev 2, P\_012 Rev 1, dated 28 July 2016, P\_011 Rev 0, P\_014 Rev 0, P\_031 Rev 0, P\_040 Rev 0, P\_106 Rev 0, P\_111 Rev 0, P\_112 Rev 0, dated 30 July 2015, P\_013 Rev 1, dated 16 February 2016, P\_014A Rev 0, P\_032 Rev 2, P\_033 Rev 1, P\_034 Rev 0, dated 13 October 2016, P\_101 Rev 2, P\_102 Rev 2, P\_103 Rev 2, P\_104 Rev 2, P\_105 Rev 2, P\_121 Rev 1, dated 5 August 2016

**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) Unless otherwise amended by any other conditions, the development shall not be erected otherwise than in accordance with the following approved drawings: P\_004 Rev 3, P\_005 Rev 2, P\_011 Rev 0, P\_012 Rev 1, P\_013 Rev 1, P\_014 Rev 0, P\_014A Rev 0, P\_031 Rev 0, P\_032 Rev 2, P\_033 Rev 1, P\_034 Rev 0, P\_040 Rev 0, P\_101 Rev 2, P\_102 Rev 2, P\_103 Rev 2, P\_104 Rev 2, P\_105 Rev 2, P\_106 Rev 0, P\_111 Rev 0, P\_112 Rev 0, P\_121 Rev 1. This is subject to the second floor being constructed in accordance with plan 014A, dated 13 October 2016.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013).

- 3) Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all

associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that 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.

- 4) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition 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).

- 5) Prior to the commencement of the development hereby permitted, a Demolition Management Plan (including a Demolition Method Statement) 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 demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 6) Prior to the commencement of the development hereby permitted, 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, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. 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, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, 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 H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 8) Prior to the commencement of the development details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

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).

- 9) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harm to the character and appearance of the streetscene, in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013).

- 10) Prior to commencement of works (excluding demolition), details including drawings in section and elevation at a scale of 1:20, where appropriate to show proposed cladding, fenestration, glazing, balconies and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Details are to include

- a) Details of bricks, window frames, glazing, roof materials, canopy and bay window projections, parapet and doors to the Barclay Road frontage
- b) Details of the cladding, roof materials and glazing to the office additions
- c) Details of the gates to Argon Mews and Effie Road
- d) Details of the front boundary wall base and fencing to Barclay Road
- e) Details of colours and materials of the substation

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

- 11) The windows to the first, second and third floors of the southern elevation of the office and self storage addition facing the Barclay Road properties hereby approved shall be fixed shut and glazed in obscure glass. In addition, the southern face of the terrace at the rear of the second floor of the southernmost residential dwelling is to comprise privacy screening to a height of 1.6m. Details and samples of the glazing and screening is to be approved by the Council prior to installation. They shall thereafter be retained and no alterations shall be carried out.

In order to safeguard the existing residential amenities of the occupiers of neighbouring properties in Barclay Road and avoid unnecessary overlooking and loss of privacy, in accordance with Policy DM A9 of the Development Management Local Plan and Housing Policy 8 of the Supplementary Planning Document 2013.

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

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

- 13) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the elevations of the building fronting Barclay Road hereby approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013)

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013).

- 15) No alterations shall be carried out to the external appearance of the development, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013).

- 16) 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 extensions or other form of enlargement to the development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the building on the site, the Council would wish to exercise future control over development which may affect residential amenity or appearance of the area, in accordance with Policy BE1 of the Core Strategy (2011), and Policies DM A9 and DM G1 of the Development Management Local Plan (2013).

- 17) Prior to the commencement of the development details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 18) The use hereby permitted shall not commence prior to the provision of the secure cycle parking facilities for the residential and office developments as indicated on approved drawings numbered P\_004 Rev 3, P\_005 Rev 2. The secure cycle parking facilities shall thereafter be retained.

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 2011.

- 19) The use hereby permitted shall not commence prior to the provision and completion of the proposed new access arrangements on the Effie Road and Argon Mews frontages, as indicated on approved drawing AC39\_P\_010 in the planning permission 2010/00531/FUL, granted 11 April 2011. It must include separate unimpeded pedestrian access via Argon Mews.

An agreement under section 278 of the Highways Act 1980 for said improvements to the footway at Effie Road and Fulham Road and the driveway crossover at Barclay Road is to be submitted to Council for approval prior to the commencement of any works.

All existing original kerbstones in Barclay Road shall be retained. Unless otherwise advised in writing by Council, any kerbstones removed for the purposes of reconstructing the crossover to Barclay Road are to be retained and reused.

To ensure safe and accessible pedestrian access in accordance with Policy DM J5 of the Development Management Local Plan and Transport Policy 12 of the Supplementary Planning Document 2013.

- 20) Details of design and appearance of the entrance gates on the Argon Mews and Effie Road frontages, and the system by which these gates will be managed and operated, shall be submitted to and approved in writing by the Council prior to the commencement of the development. In addition, the gates to the Effie Road entrance are required to be located 10m from the property boundary/footpath to allow for the safe queueing of vehicles.

To ensure safe and accessible pedestrian access in accordance with Policy DM J5 of the Development Management Local Plan and Transport Policy 12 of the Supplementary Planning Document 2013.

- 21) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Council. Details shall demonstrate that vertical illumination of neighbouring premises is a maximum of 10lux at ground floor and 5lux at first and higher floor levels. The recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2005' shall also be met with regard to glare and sky glow. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, G7, H10 and DM H11 of the Development Management Local Plan 2013.

- 22) With exception to the roof terrace areas shown on approved drawings, no part of the remainder of the 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 shall be erected around the roofs, and no alterations shall be carried out to the approved building (including the permitted roof terrace enclosures) to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does 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, in accordance with Policy 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).

- 23) The development shall not commence prior to the submission and approval in writing by the Council of full details of all refuse and recycling storage and collection arrangements on the site, and the use shall not commence prior to the implementation of the approved details. Waste provision is to be in accordance with Sustainability Policies 6 and 11 and the British Standard for Waste Management in Buildings (BS5906:2005). The ground floor plan of the office building (drawing number P\_101) is to be updated to include the commercial bin store.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 24) All refuse and recycling generated by the residential dwellings and office/self storage building hereby approved shall be stored in the respective refuse storage areas as approved on drawing number P\_004 and is not be stored on the pavement or street other than prior to collection.

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

- 25) No advertisements shall be displayed on or within the development or on the external elevations of the buildings hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.

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

- 26) The self storage facility shall only operate between 7am and 10pm, Monday to Friday, 8am-10pm on Saturday and 8am-8pm on Sunday and Bank Holidays. No customers shall be on the premises or deliveries shall occur in connection with the uses outside of these times.

In order that noise disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents, in accordance with Policy DM H9 of the Development Management Local Plan 2013.

- 27) No occupier of the residential dwellings 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. If such a permit is issued to a resident of the development, 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 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).

- 28) The six dwellings 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 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 residential units 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 DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 29) The dwellings 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 dwellings. 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 dwellings 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 DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011

- 30) The use hereby approved shall not commence prior to the provision of the seven customer car parking spaces for the office development as indicated on approved drawing P\_004 Rev 3 and P\_005 Rev 2. The parking spaces shall be marked out and shall be identified as being for the use of customers only. The parking spaces shall thereafter be retained in this form.

The easternmost car space within the office development hereby approved shall be provided and reserved for persons with disabilities. A charging bay is also required within one of the seven spaces. Both spaces are to be marked out and identified as being reserved for disabled persons and charging of electric cars respectively, and shall thereafter be retained in this form.

The single residential car space to Barclay Road is to be reserved for, marked out and thereafter retained as reserved for disabled persons.

- 31) 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, namely kitchen/living/dining above or below bedrooms of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: 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.

- 32) The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules. In the case of the proposed planting strip adjoining the rear boundary of the residential properties in Barclay Road, the scheme shall include only low lying planting and shrubs, which shall thereafter be maintained in this form. The approved planting shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 33) Any tree or shrub planted as part of this consent that is removed or severely damaged, dying or becomes seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted. Only low lying replacement plants and shrubs shall be planted in planting strip adjoining the rear boundary of the residential properties in Barclay Road in perpetuity.

To ensure a satisfactory external appearance and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 34) The development shall not commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by Council. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to Council.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with policy DM G7 of the Development Management Local Plan (2013).

- 35) In the event that the programme of archaeological works required by the condition above reveals the presence of archaeological interests on the site, the development shall not commence prior to the implementation in full of a programme of works to ensure that the archaeology is either preserved or fully

excavated, in accordance with a written scheme previously submitted to and approved in writing by Council.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with policy DM G7 of the Development Management Local Plan (2013).

- 36) The development shall only be carried out in accordance with the flood mitigation measures outlined in the approved Flood Risk Assessment (FRA).

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 London Plan 2011, 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.

- 37) Development shall not commence until a Sustainable Drainage Strategy is provided for the residential dwellings with details of the intended attenuation levels, final discharge rates and all SuDS measures. Rainwater harvesting and green roof(s) are supported but attenuation tanks are not the preferred SuDS method where other above ground measures are viable.

Development is not to commence until this has been submitted to and approved by Council in consultation with Thames Water. No discharge of foul or surface water shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

With respect to Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan 2011, Policies CC1 and CC2 of the Core Strategy 2011 and Policy DM H3 of the Development Management Local Plan 2013, sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact, including that of sewer flooding, upon the community.

- 38) 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.

- 39) 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.

- 40) 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.

- 41) 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.

- 42) 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.

- 43) 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.

44) The demolition hereby permitted shall not be undertaken before:

- a building contract for the redevelopment of the site in accordance with this planning permission has been entered into and
- notice of demolition in writing and a copy of the building contract has been submitted to the Council and approved in writing.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

45) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details of solar panels (including angle relative to the surface of the roof and in relation to the parapet). 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 and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DMG3 of the Development Management Local Plan 2013.

46) The construction of the dwellings hereby permitted shall not commence until further details of the adaptability of the northernmost unit to be made fully accessible is submitted to and approved by Council. Details are to include access to each level and room of the dwelling.

To ensure the satisfactory provision of accessible dwellings in accordance with Policy H4 of the Core Strategy 2011 and Policies DM A4 of the Development Management Local Plan.

47) No development shall commence until a risk assessment based on the Mayor's of London SPG 'The Control of Dust and Emissions during Construction and Demolition', July 2014 has been undertaken and the identified measures recommended for inclusion into a site specific Air Quality Dust Management Plan (AQDMP) that is submitted to and approved in writing by the Council. This AQDMP should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and Non Road Mobile Machinery (NRMM). Air quality monitoring of PM10 and PM2.5 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality Alert and Threshold trigger levels. The assessment should consider residential receptors on-site and off-site of the development. Developers must 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

48) Prior to the commencement of the relevant phase of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local

Planning Authority. The Low Emission Strategy must address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must 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 future residents 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 be submitted to and approved in writing by the Local Planning Authority to show that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014) shall be set out in the document. The submitted information shall include the results of NO<sub>x</sub> emissions testing of each CHP unit by an accredited laboratory, where this is available.

The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 49) Prior to commencement of the relevant phase of the development, a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> 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 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 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 comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 50) Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced



and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 51) Prior to the commencement of the development an Air Quality & Air Quality Neutral Assessment shall be submitted to and approved in writing by the Council. The assessment shall include

- Dispersion modelling of emissions of NO<sub>2</sub> and PM<sub>10</sub> from vehicles, and combustion plant.
- D1 calculations from ground level to inform the height of any energy plant chimneys
- Impacts too sensitive existing and future receptors, on-site and off-site from NO<sub>2</sub> and PM<sub>10</sub>

This should be completed in accordance with London Councils' Air Quality and Planning Guidance, 2007, IAQM Land Use Planning and Development Control: Planning for Air Quality, May 2015, and Air Quality Neutral Planning Support Update, GLA, April 2014

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2011) (including 2013 alterations) and Policy DM H8 of the Development Management Local Plan (2013).

- 52) Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra Low NO<sub>x</sub> Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired 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 installations do not meet this emissions standard it should 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, emissions certificates will need to 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 53) The development permitted by this planning permission shall only be carried out in accordance with the proposed carbon reduction measures in the approved Energy Statement. The approved details shall be carried out before any occupation of that part of the development to which the approved details relate and be retained in full working order for the lifetime of the development.

To ensure a sustainable and energy efficient development to help reduce its carbon dioxide emissions, in accordance with Policies 5.2, 5.3, 5.6 and 5.7 relating to energy demand, energy efficiency and renewable energy of The London Plan 2011 and policies DM H1 and DM H2 of the Development Management Local Plan (2013).

- 54) Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council of the sustainable design and construction measures as outlined in the submitted BREEAM New Construction Assessment. The approved details shall be carried out before any occupation of that part of the development to which the approved details relate and be retained in full working order for the lifetime of the development.

To ensure the development is in accordance with Policies 5.2, 5.3, 5.6 and 5.7 relating to energy demand, energy efficiency and renewable energy of The London Plan 2011 and policies DM H1 and DM H2 of the Development Management Local Plan (2013).

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

#### 1) Land Use

The proposal would enable the efficient and orderly development of the site with the provision of additional residential accommodation and office space in an appropriate location close to services and public transport.

The residential accommodation is consistent with Policy 3.3, 3.4, 3.5 and 3.8 of The London Plan, Policies BE1, H1, H3 and H4 of the Core Strategy, Policy DM A1, DM A2, DM A3, DM A4 and DM A9 of the Development Management Local Plan (2013) and Housing Policy 1 of the Supplementary Planning Document 2013.

The expansion of the B1 and B8 floor area is also consistent with Policies 4.2 and 4.3 of the London Plan, Policy LE1 of the Core Strategy and Policy DM B3 of the Development Management Local Plan 2013.

#### 2) Design

The residential dwellings would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough, accord with the predominant form of surrounding development and contribute to the conservation area. The extensions to the office building are likewise sympathetic to the surrounding built form and are acceptable.

The development would therefore be in accordance with the NPPF 2012, Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan, Policy BE1 of the Core Strategy 2011, Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan 2013 and Design Policies 45, 46, 48, 49 and 50 of the Supplementary Planning Document 2013.

#### 3) Traffic and Transport

The impact of the proposal on the highway network and local parking conditions would be acceptable. The site has excellent local public transport accessibility and provision would be made for cycle parking for the offices and storage uses. With the use of conditions, officers are satisfied that use of the building would not result in any unacceptable traffic flows or pedestrian-vehicular conflict or any significant increase in car parking demand.

The development would therefore be acceptable in accordance with the NPPF 2012, Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan 2011, Policies T1 and CC3 of the Core Strategy 2011, Policies DM A9, DM H5, DM J1, DM J2, DM J3 and DM J5 of the Development Management Local Plan 2013 and Transport Policies 3, 5, 11 and 12 and Sustainability Policies 3, 4 and 7 of the Supplementary Planning Document 2013.

#### 4) Residential Amenity and Impact on Neighbouring Properties

The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant or unacceptable worsening of noise, overlooking, loss of sunlight, daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness and would be acceptable in accordance with Policy BE1 of the Core Strategy 2011, Policies DM A9, DM G1, DM H9 and DM H11 of the Development Management Local Plan 2013 and Housing Policies 6-8 of the Supplementary Planning Document 2013.

#### 5) Accessibility

The development includes acceptable levels of accessibility for car parking and pedestrian access, for residents within the residential units and for visitors to the office spaces. The proposed development therefore accords with Policy 3.8 and 4.5 of the London Plan 2011, Policy H4 of the Core Strategy 2011, Policies DM A4 and G1 of the Development Management Local Plan and Design Policies 1, 2, 3 and 52 of the Supplementary Planning Document 2013.

#### 6) Flood Risk and Environmental Considerations

A Flood Risk Assessment has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Details of SUDS will be secured by condition. In this respect, the proposal is in accordance with the NPPF 2012, Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan 2011, Policies CC1 and CC2 of the Core Strategy 2011, Policy DM H3 of the Development Management Local Plan 2013 and Sustainability Policies 1 and 2 of the Supplementary Planning Document 2013.

The office/self storage building and residential dwellings will also have an acceptable outcome with respect to the energy efficiency measures and likely CO2 emissions in accordance with Policies 5.2 and 5.3 of the London Plan, Policies CC1, CC2 and CC4 of the Core Strategy (2011) and DM H1 and H2 of the Development Management Local Plan (2013).

#### 7) Land Contamination

Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and office uses. The proposed development therefore accords with Policy 5.21 of the London Plan 2011, Policy CC4 of the Core Strategy 2011, Policies DM H7 and H11 of the Development Management Local Plan 2013 and Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Supplementary Planning Document 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: 24th September 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	22.01.16
Thames Water - Development Control	12.01.16
Historic England London Region	19.01.16

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
19 Barclay Road London SW61EJ	12.01.16
9 Barclay Road Fulham SW6 1EJ	12.01.16
16 barclay Road London SW6 1EH	14.02.16
21 Barclay Road London SW6 1EJ	08.02.16
Flat 1 8 Effie Road Fulham SW6 1TB	01.02.16
Transport & Technical Services Town Hall Extension King St	25.10.16

## **1.0 BACKGROUND**

1.1 This subject site relates to an irregularly shaped back land site located towards the centre of the block bounded by Effie Road in the south, Barclay Road in the west and Fulham Broadway along the north and east. It comprises two primary parcels of land - one in the north western corner to Barclay Road and one largely landlocked central

parcel. Combined, there is a total site area of approximately 0.315 hectares. Vehicular access is via Effie Road in the south although there are also unused and locked frontages to Argon Mews in the north east and Barclay Road in the west.

1.2 The north western corner of the site is currently occupied by a car park and is located within the Barclay Road conservation area whilst the remainder of the site is outside but adjacent to the conservation area. The site is within an archaeological priority area.

1.3 Currently located on the north eastern side of the central portion is a four storey plus basement building which provides approximately 2900 square metres of storage space (B8 use) occupied by Access Storage. Located in the northern extremity of the site is a smaller two storey building which comprises some additional office space for Access Storage. A single storey electricity substation is located adjacent to the entrance driveway leading from Effie Road. The remainder (and vast majority) of the site is unbuilt upon and is used for parking which is operated by GB Parking Solutions. There is no initial planning permission for this use but it is likely that it would be lawful under a Certificate of Lawfulness. Car share scheme operator Zipcars also has some vehicles parked at the northern end of the site.

1.4 The majority of the site is within Fulham Town Centre. To the north and east fronting Fulham Broadway are mostly retail and commercial properties on the ground floor with residential units above, some of which are buildings of merit. To the west is a row of terrace houses whilst to the south is Barclay House and Barclay Hall. None of the buildings on the site are statutorily listed or identified as buildings of merit.

1.5 The site has an excellent public transport accessibility level (PTAL) of 6a on a scale of 1- 6b. There are six bus stops located within a 150m distance on Fulham Broadway, North End Road, Harwood Road and Fulham Road and at least six bus services with Monday-Friday frequencies of between 4 and 12 minutes. In addition, Fulham Broadway underground station is within 100m of the site.

#### Site History

1.6 Planning permission (1995/00626/FUL) was granted in June 1995 for the continued use of the building as a self-storage business with related car parking and servicing (B8 use).

1.7 A planning application (2006/03211/FUL) was submitted in 2006 for the extension of existing self-storage facility over the ground, first and part-second floors and erection of a four storey plus basement building fronting Barclay Road comprising office and storage facilities and associated landscaping.

1.8 Planning permission (2007/01561/FUL) was granted in May 2008 for the erection of a part three/part four storey plus basement building (fronting Barclay Road) comprising office and storage space together with the erection of a part two/part three storey extension to the existing four storey storage facility with the reconfiguration of vehicular egress via Effie Road and exit via Argon Mews and associated landscaping. The development comprised 2400 square metres of storage space (B8 use) and 500 square metres of office space (B1 use).

1.9 Planning permission (2010/00531/FUL) was granted at the Planning and Development Control Committee in July 2010 for the erection of a part three/part four storey plus basement building (fronting Barclay Road) comprising office and storage facilities, alterations to the existing self-storage facility by the erection of extensions at ground, first and second floor levels to the southern elevation, erection of an infill extension on the northern elevation at second and third floor level and the erection of an additional floor at roof level, erection of a replacement single storey electricity sub-station in the south eastern corner of site and the reconfiguration of vehicular access/egress to enter site via Effie Road and exit via Argon Mews with associated landscaping. A Section 103 agreement was issued on 13 April 2011. The subject application comprises the same scheme approved in 2010/00531/FUL.

1.10 A Certificate of Lawfulness (2014/03499/CLP) was approved in November 2014. It sought to demonstrate the commencement of material operations of planning permission 2010/00531/FUL granted 11 April 2011, before the expiry date of the planning permission.

1.11 Pre applications for the site have occurred in 2009 and 2014. The latter relates to an earlier proposal for four residential dwellings fronting Barclay Road.

1.12 The proposal involves two main elements; alterations and additions to the existing self-storage facility in the central allotment and the demolition of the office building on the north western portion fronting Barclay Road for the construction of four houses.

1.13 The works to the self-storage building comprise the following:

- Addition to the south of the building for additional offices on the ground floor (B1 use) and storage areas (B8 use) on the first and second floors
- Addition to the north of the building for additional storage areas on the second and third floors
- Addition of a new fourth floor in mansard form comprising additional storage areas
- Internal modifications including the conversion of the third floor from offices to storage areas
- Provision of a driveway from Effie Road servicing the northern end of the site and a delivery bay adjacent to the building
- Associated landscaping, parking for six vehicles, cycle parking for 18 bicycles, bin store and substation along the southern boundary with Barclay House

1.14 The residential component to Barclay Road is as follows:

- Demolition of the existing office building in the north eastern corner
- Construction of 4 x three storey plus basement, four bedroom terrace houses fronting Barclay Road
- Rear terraces on the ground and first floor and front and rear terraces to the second floor (except for Dwelling 1)
- Pedestrian access along the rear and a turning/loading bay adjacent to Argon Mews
- Provision of a single accessible car space in the north eastern corner with access via Barclay Road

1.15 The subject application is similar to 2010/00531/FUL. The self-storage facility comprises the same building envelope with offices instead of storage on the ground floor and the approved building on Barclay Road comprises residential terraces instead of offices.

1.16 The application represents a net increase in 1,000 square metres in self-storage floor area, 50 square metres in office space and four dwellings on the site.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by site and press notices and individual notification letters were sent to 287 neighbouring properties. Five (5) submissions were received from:

- 9 Barclay Road London SW6 1EJ
- 16 Barclay Road London SW6 1EH
- 19 Barclay Road London SW6 1EJ
- 21 Barclay Road London SW6 1EJ (on behalf of the Barclay Road Residents Association)
- Flat 1 at 8 Effie Road Fulham SW6 1TB

2.2 The concerns within the submissions are summarised as follows:

### 2.2.1 Parking and Traffic

- No provision for parking permits will exacerbate parking issues
- Parking permits should not be issued
- Traffic congestion and safety concerns from Barclay Road will increase and management needs to be modified
- Transport Assessment assumes reduced traffic but provides no data and contradicts flows in the TfL proposal - it should be updated

Officer comment: A Transport Assessment was submitted with the application and this was reviewed by Council officers. The content of the assessment is considered to be acceptable for assessment purposes.

It is concluded that the proposal will result in a net reduction in traffic movements or on-street parking stress because of additional B1 and B8 floor area and/or four residential dwellings. See paragraphs 3.102-3.109 for further details. Consistent with Council's policy, no parking permits are to be issued to the residents of the dwelling, as required in Condition 27-29.

- One electric charging bay is required

Officer comment: The sole residential car space is assigned as an accessible space with charging facilities. One of the commercial parking spaces is to be provided as an electric charging bay in accordance with Policy DM J2 of the Development Management Local Plan. See Condition 30.

- No parking in front of the property should be maintained

Officer comment: The driveway to the residential car space will utilise the existing street crossover such that there will be no loss of on street car parking.

- One way traffic should be applied as a wider traffic management practice

Officer comment: The proposal includes one way access with entry via Effie Road and exit via Argon Mews. This is supported by Council.

### 2.2.2 Neighbour Amenity

- Noise disturbance from construction works

Officer comment: Through the submission of a Demolition Management Plan and Construction Management Plan, the scope of demolition and construction works is acceptable and the degree of noise disturbance is reasonable. These documents will address the fact that the site adjoins 28 residential and commercial properties.

- Noise disturbance from the residential balconies

Officer comment: The balconies are appropriately designed and sited to ensure the retention of acoustic privacy to surrounding residential properties. Of note, the rear second floor terrace to Dwelling 1 has been deleted since the lodgement of the application. See paragraph 3.85 for further details.

- Noise disturbance arising from the change of use to offices and subsequent deliveries and waste collection - needs to be conditioned

Officer comment: The proposal represents a 25% increase in office space and 40% increase in self-storage capacity. However, both the B1 and B8 uses are low intensity uses that are compatible with surrounding residential properties. Furthermore, with a net reduction in parking capacity on the site, the provision of additional landscaping along the south western boundary and as the additional floor area is wholly internal, the degree of noise impact is not considered to be unreasonable. See paragraphs 3.87-3.89.

- Overlooking from the offices, storage areas and roof terrace towards Barclay Road properties, including 5-27 Barclay Road and Mission Church

Officer comment: The office building will be setback between 5.7m-7.9m (ground level) and 7.0m-9.0m on the new second floor addition and comprise obscure glazing to the windows on the first, second and third floors (secured by condition). There is no unreasonable degree of overlooking from the office building as a result. See paragraph 3.81.

- Overlooking from the windows and terrace of Terrace 4 towards 1 Barclay Road

Officer comment: The extent of overlooking from Terrace 1 is now acceptable, as noted in paragraph 3.80.

- Loss of light to No. 1 and 5-27 Barclay Road and Mission Church
- Loss of light to skylights and windows at 15 and 17 Barclay Road - Sunlight assessment should be updated

Officer comment: A daylight and sunlight assessment was provided with the application and it indicates that the proposal will retain acceptable levels of daylight and sunlight to surrounding properties. Of note, the subject site (including both the office and residential



components) is located to the north of the properties in Barclay Road and as such, sunlight to habitable areas will be unaffected.

### 2.2.3 Compatibility

- The terraces (including front balconies) are not sympathetic to other terraces in Barclay Road

Officer comment: The four residential terrace houses have been designed to be sympathetic and compatible with the residential neighbourhood and the wider conservation area. See paragraphs 3.38-3.52 for further comment.

- Proposed office extension does not accord with the 45 degree threshold

Officer comment: The above control is noted in Housing Policy 8 of the Supplementary Planning Document and requires that development is not to obstruct a 45 degree diagonal line as measured from the rear boundary. Whilst the control applies to residential developments and is therefore not specifically applicable, it is a worthwhile consideration in assessing the proximity and sense of enclosure of the office development. See paragraph 3.75.

- Front fencing should be of iron railing type

Officer comment: The front fencing comprises iron palisade form on a stone plinth. It is acceptable, as noted in paragraphs 3.51

### 2.2.4 Other

- Establishment of an alleyway has security implications

Officer comment: The setback between 1 Barclay Road and the northernmost dwelling is intended to achieve a degree of building separation on streetscape grounds. Given the dwelling extends beyond and behind 1 Barclay Road, it does not give the perception that there is access along this path nor is it envisaged that pedestrians would walk along this path given the proximity to the intersection with Fulham Broadway.

The pathway/roadway to the rear of the residential properties is wholly on private property with no ready access from the street.

Both aspects of the development are considered to be acceptable on safety and security grounds.

- Landscaping may compromise the integrity of the common rear boundary wall

Officer comment: This issue was raised in the assessment of 2010/00531/FUL, with Condition 27 applied to resolve resident concerns. This condition has been replicated in this application in Condition 32.

- Yorkstone kerb stones are to be protected

Officer comment: See Condition 19.

- The addition to 1 Barclay Road is not noted on the elevation plans

Officer comment: The additional level approved as part of 2008/02586/FUL at 1 Barclay Road has been omitted in the street elevation plans. This has not influenced the assessment of this application as a site inspection was undertaken.

2.3 The Hammersmith Historic Buildings Group, Hammersmith Society, Fulham Society, London Fire and Emergency Authority and Hammersmith Crime Prevention Officer provided no comment.

2.4 Historic England and the Environment Agency provided comment but raised no objection.

2.5 Thames Water raises no objection with respect to water infrastructure capacity but there are concerns with the capacity of the existing wastewater infrastructure. Comment is provided in paragraph 3.136. The development shall not commence until a drainage strategy has been submitted. Other conditions are required, including a non-return valve to prevent backflow.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations are:

- Acceptability in land use terms
- Housing supply and quality of accommodation
- Design and conservation
- Amenity impact upon neighbouring properties, including noise, overlooking, outlook, sunlight, daylight and enclosure
- Traffic and parking
- Other environmental matters, including flood risk and contaminated land

3.2 The planning guidance to be considered are:

- National Planning Policy Framework (NPPF)
- London Plan 2016
- Council's adopted Core Strategy 2011
- Development Management Local Plan 2013 (DMLP)
- Planning Guidance Supplementary Planning Document 2013 (SPD)

### LAND USE

3.3 The site was used in the past as part of a Gas Board site. Previously, it is likely that it was the site of a WWII bomb, leading to the ad hoc and largely undeveloped nature of the site which is now used by Access Self Storage and for car parking.

3.4 The site is currently used for commercial purposes with two buildings - one comprising office space and the other comprising a self-storage facility with ancillary office space. Both buildings are used by Access Self Storage. The remainder of the site is paved and used for the parking of vehicles for business on the site, surrounding sites and a car share/hire facility.

3.5 The proposal involves the expansion of the existing self-storage facility, additional office floor area and the provision of four dwellings on vacant land in the north western corner of the site. There is a net increase in office space (B1 use) by 1,000 square

metres, self-storage space (B8 use) by 50 square metres and residential floor area by 1,130 square metres.

3.6 Indicatively, the architectural plans indicate a 25% increase in capacity from about 300 to 373 separate storage compartments. The office spaces in the northern building will be relocated from the existing building at the northern end of the site although it is unknown whether it represents an increase or decrease in actual office spaces.

3.7 The existing parking arrangement on the site is informal with parking for 70 vehicles. This will be reduced to a formal arrangement of seven commercial spaces and one residential space.

3.8 The site falls within the Fulham Regeneration Area as specified in Strategic Policy FRA of the Core Strategy. The town centre itself comprises a mixture of shops, services and residential premises. The intent of the strategy in the Core Strategy supports applications for residential accommodation as part of mixed use development schemes, with reference to Policy BE1 of the Development Management Local Plan. The continuation and expansion of B8 self-storage use and B1 offices are generally considered to be compatible with mixed residential areas.

3.9 With net gains in residential, office and self-storage space, the land use is appropriate. It is also acceptable in the context of the surrounding land uses (being commercial to the north and residential to the south and west) and proximity to public transport. Accordingly, it is judged that the proposed development complies with national and regional policy, and as such there is no in-principle objection to the proposed development in terms of land use.

## HOUSING SUPPLY

3.10 Policy 3.3 of the London Plan requires an annual average of 42,000 net additional homes to be delivered with Table 3.1 setting an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. The Draft Local Plan (2015) currently supports the new updated targets as set out in the London Plan. In the interim, Policy H1 of the Core Strategy reiterates the London Plan's previous annual target of 615 net additional dwellings for the borough. This is supported by Policy DM A1 of the DM LP.

3.11 The addition of four x 4 bedroom dwellings is a positive contribution towards reaching the above target.

## HOUSING MIX

3.12 Chapter 3.8 of the London Plan, Policy H4 of the Core Strategy and Policy DM A3 of the DM LP require a choice of high quality residential accommodation that meets the needs of local residents and market demand. This includes the need for housing for larger families as there is a particular need within the borough for more family sized housing with adequate amenity and access to outdoor space.

3.13 The development meets this need with four large family dwellings across four levels and opening onto rear yards.

## AFFORDABLE HOUSING

3.14 Policy H2 of the Core Strategy requires affordable housing to be provided on sites when a development comprises 10 or more new dwellings. The proposed development would only create four residential units and is below the threshold above which affordable housing is required. The site is not capable, in officers' view, of providing 10 or more new dwellings, as to do so would require an increase in bulk of the development, which would be out of character with the predominant form of development in the street and leads to impacts upon neighbour amenity. In this instance, the non-provision of affordable housing is considered acceptable.

## HOUSING DENSITY

3.15 Policy H3 of the Core Strategy and Policies DM A2 and DM A9 of the DM LP seek to ensure that all housing is provided to a satisfactory quality and has an appropriate mix of types and sizes, with a particular emphasis on family accommodation.

3.16 With regard to the proposed density, Policy 3.4 of The London Plan and Policy H3 of the Core Strategy are relevant. Development should achieve the optimum intensity of use compatible with local context, design principles and public transport capacity. Consideration of the density ranges set out in Table 3.2 of the London Plan is required.

3.17 In accordance with Table 3.2, the site has a Public Transport Accessibility Level (PTAL) rating of 6a within an urban setting. This assumes a density of 200-700 habitable rooms per hectare.

3.18 The land on which the dwellings are located accounts for 0.1 hectare or about 32% of the site. The provision of four dwellings in terrace form would equate to 200 habitable rooms per hectare. The proposal falls within the threshold and the family dwellings, with four bedrooms addresses a particular need. Whilst the density could be higher, it is an appropriate housing density and built form when considering the provision of outdoor space, the close proximity to Fulham Broadway Underground Station and numerous bus routes, the predominance of three storey terrace houses in the surrounding area and the need to accord with the predominant form of development in the area. As such, when accounting for local context, character and public transport capacity, the proposal is acceptable.

## HOUSING QUALITY

3.19 Table 3.3 of the London Plan specifies the minimum space standards for new dwellings, in this instance a minimum of 130 square metres with 3 square metres of storage is required. The proposal meets these minimum requirements.

3.20 Policy 3.5 of the London Plan also states that minimum ceiling heights of at least 2.3m to 75% of the unit should also be provided (although 2.5m is recommended). The proposal achieves 2.7m on all levels.

3.21 Housing Policy 1 of the SPD requires amenity space of 36 square metres at ground level with access from the dwelling. The rear gardens of each terrace measure at least 45 square metres with stepped access from both the basement and ground floor levels. Connectivity between the garden and the internal areas of the dwelling is

acceptable, particularly leading from the rear of the ground floor. The proposal complies with Housing Policy 1. Upper level terraces are also provided.

## ACCESSIBLE HOUSING

3.22 Chapter 3.5 of the London Plan requires high quality internal design, taking into account physical context, local character, density, tenure and land use mix in addition to the provision of open spaces and the needs of children, disabled and older people.

3.23 Policy DM A4 of the DM LP requires all developments to be constructed to 'Lifetime Homes' standards with car parking spaces to meet the needs of blue badge holders. Design Policy 1 of the SPD relates to ensuring that homes are accessible and meet 'Lifetime Homes' standards. 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.

3.24 Subsequent to the adoption of the above policies and guidance, Lifetimes Homes has been superseded. Access requirements have now been incorporated into Building Regulations. To reflect this change, the London Plan was amended with Policy 3.8 of the London Plan now requiring 90% of dwellings to meet M4 (2) of the Building Regulations requirement.

3.25 The key issue in ensuring that M4 (2) can be achieved within a development is to ensure, at the application stage, that the units can reasonably achieve level access. If level access cannot be reasonably achieved, then the units cannot be required to meet the M4(2) Building Regulations. The London Plan recognises that securing level access in buildings of four storeys or less can be difficult, and that consideration should also be given to viability and impact on ongoing service charges for residents.

3.26 The proposal nominates all dwellings as being to 'Lifetime Homes' standards. This is generally the case with wide hallways and retrofittable bathrooms. In addition, Dwelling 4 has been nominated as an adaptable dwelling, able to be easily modified as an accessible dwelling. It comprises an accessible car space in the front yard and future provision for a platform lift for wheelchair use. Even then, it only allows for access to the ground floor which comprises a bathroom, lounge room, lounge room and dining room. The WC adjacent to the front entrance is also able to be accessed but manoeuvrability is compromised due to the small size of the room. There is no wheelchair access to the rear yard, kitchen or any of the bedrooms. As a proportion of the total floor area, access is provided to 25% of the dwelling.

3.27 In terms of being accessible, it is acknowledged that the development has been designed to accord with the predominant form of development in the streetscape by siting the ground level above natural ground level and this has some implications upon the provision of level access.

3.28 On balance, the adaptability provided by the development is acceptable when subject to Condition 46 and no objection is raised. There is potential for adaptability, including the provision of a chair lift to the rear yard and a passenger lift in lieu of the WC at the front door, which would allow access to all levels of the dwelling, including the bedrooms.

## PROVISION OF OFFICE SPACE

3.29 Policy LE1 of the Core Strategy intends to ensure that accommodation is provided or retained for small and medium sized enterprises. Continuing, Policy DM B1 of the DM LP requires that such development is undertaken where it does not involve the displacement of other priority uses and it has regard to localised impacts, public transport accessibility and impact upon small business accommodation. This is underpinned in Chapters 4.2 and 4.3 of the London Plan.

3.30 Past refusals on the site had regard to the fact that they involved the net loss of office space. The subject application now includes additions to the existing self-storage building that will now result in a net increase in B1 floor area of 50 square metres and in B8 floor area of about 1,000 square metres.

3.31 Strategic Policy B of the Core Strategy refers to new office floorspace being located within the opportunity areas of Earls Court, West Kensington, Hammersmith, White City or Park Royal. The site is outside of these areas but comprises less than 2,500 square metres. In this regard, the provision of 1,050 square metres of additional B1/B8 floor area is supported.

3.32 As noted below in paragraphs 3.53-3.61, the additions to the self-storage building are of an appropriate scale, compatible with the site and will retain neighbour amenity. The site is easily accessible by public transport, which will offset the 90% reduction in parking capacity on the site.

3.33 Design Policies 1, 2 and 3 and Transport Policies 22, 23 and 34 relate to sufficient provision for access to the office space for those with disabilities. With its use as a self-storage facility, the office building has generous hallway widths, lift access to each level and level entry from the ground floor driveway and parking area. In addition, a single accessible car space is nominated in the easternmost parking bay, closest to the building entry. This is reaffirmed by Condition 30. All of these elements result in an office development that will ensure compliance with the above policies.

## DESIGN AND EXTERNAL APPEARANCE

3.34 Chapters 7.4 and 7.6 of the London Plan requires that development have regard to the pattern and massing of development, that it contribute to the urban structure, create a positive relationship with the street, be informed by the surrounding historical environment and comprise appropriate materials.

3.35 Policy BE1 of the Core Strategy and DM G3 of the DM LP require a high standard of design in all extensions. These should be compatible with the scale and character of existing development, its neighbours and its setting. Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment. Policy DM A9 states 'the council will ensure that the design and quality of all new housing...is of a high standard.'

3.36 This is underpinned by Design Policies 45, 46 and 48 of the SPD, which relate to achieving a consistency in building line and building height and ensuring that the development achieves an appropriate setting within the conservation area.

3.37 The site on which the four dwelling houses will be sited is within the Barclay Road conservation area. The remainder of the site, including the self-storage building, substation and the rear gardens of the dwelling houses are outside of but adjacent to the conservation area.

### Dwelling Houses

3.38 The dwellings should address and conform to the wider conservation area in terms of height, siting, massing and built form.

3.39 The subject proposal comprises three identical houses at the southern end (Terraces 1-3) and a more distinct house at the northern end of Barclay Road (Terrace 4) that comprises contrasting grey brick and sits 8.0m behind the front elevation of Terrace 3.

3.40 Terraces 1-3 comprise a basement level that projects marginally above existing ground level. Floor levels are consistent with the adjoining terraces to the south. However, whereby these basements are highly visible in the streetscape as a result of deep front lightwells, there is less bulk associated with Terraces 1-3 via the establishment of a minimal front lightwell depth and a lightwell setback of 2.4m from the front boundary. The approach applied in Terraces 1-3 is acceptable.

3.41 The design and form of basements is outlined in Policy DM A8 of the DM LP and Housing Policy 9 and Design Policies 12, 13, 14, 17, 18, 19 and 35 of SPD. Most of the controls relate to designing lightwells within existing buildings but are nonetheless considered in this instance.

3.42 Basements should be designed to minimise flooding of the property, nearby properties and sewer flooding. The development achieves a satisfactory outcome in terms of drainage and flooding protection, as discussed in paragraphs 3.127-3.132. A subterranean Construction Method Statement was submitted with the application in accordance with Housing Policy 9.

3.43 The front lightwells to each of the four terraces are non-conforming with the model design guidelines noted in Design Policy 14 as the lightwells extend across the entire frontage of each dwelling whereas smaller openings are required. However, the lightwells to the front of Terraces 1-3 are setback 2.4m from the street, of minimal depth and are not readily apparent in the street. The lightwell to Terrace 4 is setback 9.5m from the street and would not be visible at all. They do not contribute to an adverse impression of bulk in accordance with Design Policies 12 and 18. With the exception of the lightwells, the excavation for the basement is confined to the proposed footprint of each building. This is acceptable.

3.44 In terms of Design Policy 46 and the overall building height of Terraces 1-3, the development is marginally lower than the three storey plus attic terraces on the adjoining properties to the south. Floor levels are also generally consistent and parapets are implemented between each dwelling. The development comprises a built form and massing that takes some cues taken from the hipped and mansard roofs of the adjoining terraces and this is supported in principle. The introduction of front and rear terraces to the second floor allows for the adequate interpretation of a mansard roof form.

3.45 Terraces 1-3 include a mixture of contrasting materials and built forms, including projecting bay windows and entry door canopies, the use of contrasting cladding including lighter brick on the first floor, a rendered parapet between the first and second floors and vertically proportioned windows although there is an open/glazed second level. The variety of materials is acceptable within the streetscape, including in terms of its relationship with properties to the south. Details and samples of materials are required by condition 10.

3.46 The front setbacks of Terraces 1-3 are consistent in the streetscape. Whilst the rear setbacks generally extend 4.5m beyond that of 5 and 5A Barclay Road, they adequately accord with the predominant pattern of rear setbacks in the group of properties on the eastern side of Barclay Road. No concerns are raised with regard to setback pattern.

3.47 Terrace 4 deliberately takes its cues from its relationship with the former Victorian industrial building, which has been converted to a dwelling house. Following advice from Council in the pre application, it is setback 10.3m from the street with separation of 2.3m to the rear elevation of 1 Barclay Road and a further setback from the side boundary. The setbacks are generally acceptable, with adequate separation on the lower levels.

3.48 Terrace 4 does not attempt to incorporate a mansard roof form, instead applying a flat roof and contemporary block form. Given its separation from the existing terraces at 5-11 Barclay Road and from the street, the built form (and deliberate contrast to Terraces 1-3) is appropriate. Overall, its architectural expression, whilst similar to the proposed terrace design, is given more freedom in a contemporary manner given its reduced role in the street scene.

3.49 The height of Terrace 4 is consistent with Terraces 1-3 and is acceptable in the context of the relationship to the south. It sits above the two storey form of the former industrial building at 1 Barclay Road and the rear of retail/residential properties that front Fulham Broadway and whose rear boundaries adjoin Terrace 4. However, it is still appropriate in the wider context of the neighbourhood and it is consistent with the part three/part four storey built form that was approved as part of the storage and office building in 2010/00531/FUL.

3.50 The materials used in Terrace 4 consist of mostly dark grey brick with rendered bay windows, entry canopy and definition around the doorway. Furthermore, windows are more vertically proportioned than those at Terraces 1-3 and consist of more contemporary framing. The use of materials and windows is acceptable, subject to the submission of samples.

#### Fencing

3.51 Design Policies 50 and 51 of the SPD relate to the treatment of the boundary facing Barclay Road. Front fencing with a 0.2m stone base and 1.0m high steel palisade fencing above is proposed, which is acceptable in terms of Design Policy 50. Side and rear boundary fencing is generally 1.75m in height and is acceptable.

3.52 Terrace 4 includes a driveway from Barclay Road and parking space in the front yard. This detracts somewhat from the streetscape appearance. However, the generous front setback and splaying side boundary with 1 Barclay Road enables sufficient green



coverage to offset the parking spaces. Furthermore, a vehicle would be parked mostly behind the frontage of Terrace 3 such that it would not be readily visible in the street.

## Office Development

3.53 The self-storage facility is housed in a four-storey warehouse building which is of a significant scale for a backland site but comprises no remarkable features. Its siting is concentrated towards the north western side of the site behind the retail/residential properties to Fulham Broadway. It is of similar height but larger footprint to Barclay House, which adjoins the site to the south.

3.54 The proposed additions are identical to the approved building in 2010/00531/FUL.

3.55 A three storey extension is proposed to the south west elevation of the building with a footprint which follows the angled walls of the existing building. The extension would be set back 6.0m from the boundary with the residential properties in Barclay Road and 17m from the boundary with Barclay House in Effie Road. A driveway (and parking) will be established in the setback area to allow vehicular movement across the site to the residential dwellings to the north. A small substation is proposed on the southern boundary.

3.56 The proposed extension would rise to two storeys with the third floor setback a further 1.2m. The addition would remain subservient to the original building in terms of height and envelope.

3.57 The lowest two levels of the extension would be clad in brickwork to match the main building with consistently spaced and proportioned obscure glazed window openings (see Condition 11). The brick materials are acceptable as a contrast to the main building and the windows will provide relief to an otherwise solid façade. The third floor will be finished in metal panels, which are a further contrasting element which would help to reduce any perceived bulk of the proposal.

3.58 The additional level on the top of the office building is of mansard design and is set back from the existing parapet by 1.7m. It comprises a height of 2.14m and includes an additional lift overrun in the centre of the roof measuring 1.65m. The addition remains subservient to the main building and its setback in from the edge of the building reduces its visual impact. The use of mansard roof materials is compatible and replaces an otherwise stark flat roof. It ensures that the proposal is acceptable in the context of visual amenity.

3.59 The two storey addition to the north eastern side of the dwelling has a depth of 2.0m and is setback inside both sides of the existing building. It is of minimal scale and achieves a more appropriate façade treatment where it adjoins the rear boundary of commercial/residential properties in Fulham Road. No objection is raised.

3.60 The substation to be constructed on the southern boundary is slightly larger than the existing substation that currently sits in a similar location. It will adjoin the commercially operated Barclay House and poses no unreasonable design issues.

3.61 The proposed works are judged to be in keeping with the character and appearance of both the existing office building and surrounding development. In

general, the proposal conforms to the intent of Policy BE1 of the Core Strategy and DM G3 and DM G7 of the DM LP.

## Landscaping

3.62 Policy DM E4 seeks to improve biodiversity and green infrastructure via the maximisation and protection of front and rear gardens and increased soft landscaping and trees. This is reinforced in Sustainability Policies 21 and 22 of the SPD.

3.63 The site is currently devoid of any landscaping or vegetation and the proposal provides for landscaped front and rear yards within the residential terraces with ample soft landscaping and the planting of new trees. It is acceptable in accordance with the above policies. A landscaping strip is also proposed along the western boundary adjoining the rear yards of the Barclay Road properties. This provides a landscape buffer along the boundary and is supported.

## Conclusion

3.64 Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory instruments which must be considered in the determination of any application affecting listed buildings or conservation areas. Section 72 of the above Act states in relation to Conservation Area that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.65 The design has been developed to respond to the sensitivities of its surroundings and in particular the proposed facades relationship with the composition and design of its immediate neighbours and general street terrace. A detailed townscape assessment of the proposal indicates that in terms of its scale form and proportions, rhythm and materials, the proposal is sensitive the townscape role of the site ensuring that the character of the conservation area would be preserved and the appearance enhanced. Officers consider that the proposal is in compliance with Section 72 of the Planning [Listed Buildings and Conservation Areas] Act 1990. It also accords with Policy BE1 of the Core Strategy and DM G3 of the DM LP.

## IMPACT UPON NEIGHBOURS

3.66 Policy DM G3 and DM A9 of DM LP require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policies 6, 7 and 8 seek to protect the existing amenities of surrounding properties in terms of light, sunlight, outlook, privacy and sense of enclosure.

## Outlook

3.67 Housing Policies 6 and 7 of the SPD apply to rear extensions to residential terraced properties but are used in this instance as a measure to ensure compatibility with surrounding development.

3.68 In accordance with Housing Policy 6, the proposed residential dwellings are consistent with the predominant form of development and a sufficiently sized rear garden is provided.

3.69 In terms of Housing Policy 7(ii), development should not infringe an angle of sightline of 45 degrees as viewed from any habitable window on the ground floor of an adjoining property. The only potentially affected property in this instance is 5 Barclay Road and its relationship with Dwelling 1 of the proposed development.

3.70 The dwelling at 5 Barclay Road comprises a 2.5 storey structure on the boundary (with a roof terrace above). Terrace 1 will extend beyond the existing rear extension to 5 Barclay Road by 4.4m at the basement level and 2.1m-4.0m on the ground floor. At first floor, it does not extend beyond the rear elevation of the main part of the building but at second floor, it is 2.2m beyond the rear extent of the mansard roof form, extending into the roof terrace of 5 Barclay Road.

3.71 5 Barclay Road comprises windows in the rear extension at both the lower ground and ground floors, a door opening onto the terrace at second floor and a projecting dormer window at second floor. It will not be compromised in accordance with criteria (ii) at basement, ground and first floor level. However, in extending beyond the rear elevation of the main building at second floor level, it will marginally obscure a door leading onto the terrace only. Given the outlook afforded from the terrace itself, no opposition is raised on dominance or loss of outlook grounds.

3.72 In terms of Housing Policy (iii), the outlook from a rear window in the main part of the building should not be compromised. As the proposed residential terraces are infill buildings on the opposite side to the windows within the main part of the dwelling, the development is compliant.

3.73 Housing Policy (iv) limits development to 2.0m on the boundary. In this instance, Terrace 1 has a maximum height of 10.5m on the boundary although it adjoins the terrace at 5 Barclay Road, which has a similar wall height of 7.0m-10.5m. The offending element within the proposed development is the projection towards the rear of the second floor, which is viewed as being acceptable in paragraph 3.70.

3.74 Housing Policy 8(i) requires development to be setback from the rear boundary by a line produced at 45 degrees from the boundary to ensure that the development does not have an overbearing and dominating effect.

3.75 As measured to the rear boundary, the residential terraces and office building are setback from the boundary in accordance with Housing Policy 8(i). However, the northern side elevation of Dwelling 4 adjoins the rear boundaries of properties in Fulham Broadway, namely Nos. 601-607. The departure from the requirement under Housing Policy 7(i) is in excess of 6.0m in some areas. However, by virtue of the commercial nature of the ground floor properties and the relationship of the side boundary of the subject site and the rear boundaries of the adjoining properties, there is no in principle objection. This is subject to the retention of privacy to residential receivers as noted in paragraph 3.80.

3.76 The existing office building on the site is four storeys high (with a lift overrun) and faces the rear elevations and gardens of properties on Barclay Road. Whilst officers accept that the proposed extension will bring the building closer to the neighbouring properties, the proposed extension is set against a higher existing building. Furthermore, it remains setback from the rear boundaries with these residential properties in accordance with Housing Policy 8(i). The additional floor at roof level is

mansard in design and set back from the existing parapet to further reduce its impact and is acceptable.

3.77 The development also involves infill extensions at second and third floor level on the north eastern elevation (facing Fulham Broadway). These are set against the backdrop of a higher existing building and project onto the roofs of the commercial properties immediately adjoining the site and the retail/residential properties 20m further to the north east. No objection is raised on amenity grounds.

3.78 Housing Policy 8(iv) states that north facing windows should be avoided. Each of the four dwellings are dual aspect, which is an acceptable outcome.

#### Privacy

3.79 The retention of existing levels of privacy is outlined in Policy BE1 of the Core Strategy, DM A9 of the DM LP and Housing Policy 8 of SPD. Specifically, Housing Policy 8(ii) requires that window separation be at least 18m in an arc of 60 degrees and Housing Policy (iii) requires particular attention to overlooking and noise from terraces.

3.80 The following observations are noted with respect to the degree of overlooking:

- The nearest residential receiver is slightly more than 18m from the rear of Terrace 4, which is the worst case scenario. All windows to the rear elevation are acceptable.
- There was a direct sightline from the rear first and second floor terraces to Terrace 1 to the existing terrace at the rear of 5 Barclay Road. The first floor terrace has been deleted in the amended plans. Whilst the second floor terrace is retained, it is smaller than the first floor rear terrace and the rear terrace at 5 Barclay Road and the general outlook is across the rear of the site towards the office redevelopment rather than the yard of 5 Barclay Road. Furthermore, Condition 11 requires privacy screening to the side elevation.
- The front window to bedroom 2 on the first floor of Terrace 4 is offset sufficiently to prevent sightlines towards the sole rear window of 1 Barclay Road, which itself is a bathroom. As such, there is no adverse impact to 1 Barclay Road. However, the wrap around terrace and windows on the second floor initially resulted in sightlines towards residential dwellings at 601 and 603 Fulham Broadway. This issue is resolved in the most recent amendments with the deletion of the northern extent of the terrace, the provision of screening to the northern side of the modified front and rear terraces and obscure glazing to 1.6m within the bedroom window.

3.81 The windows to the upper levels of office and self-storage building will be obscure by condition such that there is no perception of overlooking. At ground level, the minimal degree of overlooking from the office windows is ameliorated by the existing boundary fencing and associated landscaping along the boundary with properties in Barclay Road.

3.82 Accordingly, it is considered that the proposed development would have an acceptable impact on the existing amenities of the occupiers of these neighbouring properties in terms of overlooking/loss of privacy.

#### Noise Disturbance

3.83 Policies DM A9 and DM H9 of DM LP are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or

the wider setting. In this regard, protection is required for the occupants of the residential dwellings and those of surrounding residences from the proposed office and self-storage use.

3.84 More specifically, Design Policy 8(iii) requires particular consideration of noise transmission from terraces, Amenity Policy 23 requires careful consideration of the design and insulation of dwellings in relation to other dwellings and commercial development and Amenity Policy 22 states that new dwellings should be protected from high noise sources.

3.85 With the exception of Dwelling 1, the dwellings each comprise four separate external terrace spaces with one at the rear of the ground floor, one at the rear of the first floor and two on the second floor. The ground floor rear terrace extends onto the rear yard and forms the glazed lightwell to the level below. It is acceptable. The terrace areas on the levels above vary between 6.25 square metres and 9.5 square metres and open from bedrooms. The degree of noise transmission from these areas is viewed as acceptable as they open from the bedrooms, thereby leading to intermittent usage. Furthermore, they fit amongst the context of similar terraces at 5 and 5A Barclay Road.

3.86 Adequate sound insulation between residential dwellings is conditioned but the building design groups similar room types together, which is an acceptable approach. Subject to Condition 31, the proposal will achieve sufficient internal amenity.

3.87 The proposed self-storage and office uses are considered to be compatible with mixed residential areas. The nature of the use itself does not generate an unreasonable number of vehicle movements or adverse generation of noise associated with the movement of goods. Further, it is considered that the increase in floorspace will not alter this conclusion. Rather, the redevelopment will lead to a reduced, better managed and policed traffic and delivery arrangement.

3.88 Appropriate conditions are imposed to control the hours of servicing activities and to restrict the noise levels of any plant/machinery on the site. See Condition 26.

3.89 Having regard to these factors, it is considered that the proposed office and self-storage development would not have an unacceptable impact on the existing amenities of the occupiers on neighbouring residential properties as a result of noise and disturbance.

#### Access to Sunlight and Daylight

3.90 Sunlight is to be protected to adjoining properties by DM A9 of DM LP and Housing Policy 8 of the SPD.

3.91 The applicants have submitted a daylight and sunlight report in support of the proposal. The report indicates that there would be no significant demonstrable harm to residential amenities as a result of the proposed office or residential development.

3.92 The report detailed impacts upon properties at 601, 603, 605A, 607A, 609A, 611 Fulham Broadway, 613-613a Barclay Road, 2-10 Barclay Road (even numbers only), 1-10 Broadway Mansions, Brogan's Pub and 7-14 Fulham Broadway. The development retains 0.9 times the former value of daylight in terms of VSC values and 0.9 times in terms of the No Sky Line, with the following exceptions:

- 7-14 Fulham Broadway: The APSH sunlighting assessments shows that the windows relevant for assessment would retain on or in excess of 25% total APSH, with 5% during the winter months.
- 2-10 Barclay Road: The vast majority of rooms will retain NSC levels of 0.8 times their former values. There are 3 basement rooms that will experience a reduction beyond the BRE suggested targets. Protection of such light is difficult to protect given the location of these rooms.

3.93 Given the urban location, a higher degree of obstruction from buildings is to be expected and minor breaches of the BRE guidelines are not sufficient grounds to warrant withholding planning permission in this instance.

## HIGHWAYS MATTERS

### Waste Storage and Servicing

3.94 Policy CC3 of the Core Strategy relates to waste management and indicates that developments should provide suitable waste and recycling storage facilities. This is reiterated in Policy DM H5 of DM LP and Sustainability Policies 3 and 6 of the SPD where adequate internal storage for each dwelling and external storage facilities is required. Sustainability Policy 11 relates to the provision of sufficient waste storage for commercial properties.

3.95 Residential waste storage (of 0.7m x 1.0m dimensions) is nominated in the front garden of each dwelling. It is inadequately sized to accommodate the likely waste generation from a large four-bedroom house, which is recommended to be 3-5 dustbins and 2-3 recycling sacks. To address this shortfall, Condition 23 requires further waste and recycling details.

3.96 A commercial bin store is located in the south eastern corner of the site adjacent to the vehicular entrance from Effie Road. It measures 1.5m x 2.0m and is sufficient to accommodate two eurobins in accordance with Sustainability Policy 11 and the British Standard for Waste Management in Buildings (BS5906:2005). With relatively low generation rates associated with the office and self-storage facility, it is sufficiently sized and appropriately located to accommodate waste and recycling for the extensions to the building. It is, however, omitted on the ground floor plan and Condition 23 seeks to rectify this issue.

### Parking and Traffic

3.97 The NPPF requires developments that generate significant traffic movements to be minimised via the use of sustainable transport modes. Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services.

3.98 The site is located in Public Transport Accessibility Level (PTAL) 6A using Transport for London's methodology, indicating that it has an excellent level of accessibility by public transport. There should be very little reliance upon private car parking.

3.99 The current parking arrangement on the site is operated by a parking operator. It appears ad hoc and is lawful on the basis that it has existed for in excess of ten years. There is capacity for the parking and manoeuvrability for 70 vehicles of varying length. Se cars relate to surrounding businesses that adjoin the site and several Zipcars (car share scheme) are parked in the north western corner of the site but it is operates without any on site office.

3.100 Due to local traffic restrictions, vehicles exiting the site are required to turn right into Effie Road and then Barclay Road to access Fulham Road, Fulham Broadway, North End Road and Dawes Road.

3.101 The proposal seeks to remove all but seven of the commercial parking spaces and one residential space. This represents a net reduction in some 61 car spaces despite a substantial increase in density on the site.

### Traffic Management

3.102 Policy DM J1 of the DM LP (and Transport Policy 1 and 2 of the SPD) requires the submission of a Transport Assessment and Travel Plan where it involves a storage and distribution facility of more than 2,500 square metres. A Transport Assessment was lodged with the subject application for the self-storage facility.

3.103 The Transport Assessment notes that, on average, 230 vehicles entered the site and 238 vehicles exited the site during a typical weekday. Of these movements, about 10% of the traffic flow (or 24 trips to and 24 trips from the site) related to other surrounding uses adjoining the subject site.

3.104 The survey continues by noting that visitors to the self-storage facility are required to sign in when entering the premises. It shows 12 trips to and 12 trips from the site. As such, the remaining traffic movements (194 to and 202 from the site) are those using the site to park vehicles before continuing elsewhere. This is likely to have increased marginally since the survey with the advent of Zipcars.

3.105 As a consequence of the redevelopment of the site, traffic movements associated with adjoining uses will be removed as access is no longer provided to any of the surrounding properties. Furthermore, the other users of the site will no longer have access to the site. These displaced vehicles will be unable to park in surrounding streets as the vast majority of parking spaces are timed spaces. This includes the Zipcar operators. However, as no planning consent exists for the parking arrangements and as these vehicles are considered to be overflow vehicles from other surrounding uses, no opposition is raised.

3.106 There will be a marginal increase in traffic movements associated with the enlarged office area and self-storage facilities. It is estimated to be in the vicinity of 50 daily movements to and from the storage use and 8 to and from the office use. As a proportion of the existing movements, it represents a reduction in the vicinity of 75% (reduced from 238 to 58).

3.107 Furthermore, the survey findings show that customer traffic is generally spread evenly throughout the day with no noticeable peak times. This is a much better outcome than the predominantly peak movements associated with the existing parking arrangement.

3.108 Consistent with 2010/00531/FUL, the proposal includes the reconfiguration of the existing parking and access arrangements to create one way access, with entry via Effie Road and exit via Argon Mews. Argon Mews is a two way street with a narrow width leading onto Fulham Broadway. The number of traffic movements from the site will not adversely affect movement on Fulham Broadway but will improve movement in Effie Road and Barclay Road.

3.109 Further to the above, the applicant is prepared to provide a new `raised table` with tactile paving either side, at the Argon Mews junction with Fulham Broadway and the Effie Road entrance. This would improve safety for pedestrian users in the vicinity of the site. The legal requirements of this are outlined in Condition 19.

### Parking Provision

3.110 Policies DM J2 of the DM LP and Transport Policy 3 of the SPD relate to the provision of parking. A maximum of one space could be allowed per 600-1,000 square metres of office space, a similar rate for the self-storage area (with a degree of flexibility to be applied) and no more than 2 spaces for each residential dwelling. 20 percent of spaces should be assigned for electric vehicles and there should be provision for parking for blue badge holders.

3.111 In terms of applying a degree of flexibility, self-storage development is a low employment generator by nature. A limited number of personnel are required on-site to run the facilities and the storage of items implies that the level of traffic movements to and from the site is irregular.

3.112 In this instance, a total of one space is required for the office use and 4-6 spaces for the self-storage facility. A combined total of seven spaces have been provided, one of which is accessible. A loading/service bay is also proposed and there is provision for at least one electric charging bay by condition. As such, the proposal represents an appropriate balance when noting the proximity to public transport but acknowledging that the intended B8 use as a self-storage facility will result in intermittent movement of vehicles.

3.113 There is one off street car space assigned to one of the four residential dwellings. This is perceived to be an appropriate balance when considering the demands generated from four large family homes against the benefits arising from establishing generously sized homes in close proximity to public transport nodes, services, retail and commercial facilities, child care and schools.

3.114 Despite the provision of one off street car space for sole use by the accessible dwelling (by condition), the development would also be 'car permit free', which would mean it would be unlikely to result in additional material parking pressure on on-street parking spaces and only minimal trip generations to and from the site from residents and/or visitors. For these reasons, it is considered that the development would optimise the site's potential and the density is a considered acceptable in accordance with Policy 3.4 of The London Plan and Policy DM A2 of the DM LP.



## Cycle Parking

3.115 Chapter 6.19 of the London Plan, Policy DM J5 of DM LP and Transport Policy 12 of the SPD relate to alternative modes of transport, with a particular focus on the provision of cycle storage facilities.

3.116 In this instance, a total of five cycle spaces are required for the office use and 14 spaces for the self-storage use, resulting in a total of 19 spaces. The residential dwellings are to have two spaces each.

3.117 The residential development will comprise storage sheds in the rear yard of each dwelling able to accommodate 2-3 cycles. In addition, the basement areas of Terraces 1-3 have storage areas that are likely to be able to accommodate two bikes. Given the houses are family accommodation, the capacity is reasonable.

3.118 With respect to the office/self-storage building, a bike store for 18 bikes is provided in the south western corner of the site alongside the car parking spaces. When accounting for the fact that the self-storage facility has a higher dependency for the movement of goods in larger vehicles, it is considered that the proposed business use provides for sufficient cycle parking.

## Motorcycle Parking

3.119 Transport Policy 11 notes that motorcycle facilities should be provided where car parking is provided or a Transport Assessment is required. In this instance, the B1/B8 redevelopment triggers the requirement on both accounts. As such, one (1) space is required for the office floor area and six (6) spaces for storage component.

3.120 Instead of the above, there is no provision for motorcycle parking. However, for the same reasons outlined in paragraph 3.118, motorcycle parking can be discounted for the self-storage facility on the basis that traditionally larger vehicles are required in order to transport materials to and from the site.

## Pedestrian Access

3.121 In accordance with Transport Policy 12 of the SPD, pedestrian access should be opened up via Argon Mews. This is noted in Condition 19.

## Conclusion

3.122 Officers consider that as the proposed development would represent a reduced traffic generation, better traffic management and more considered car-parking provision. The impact on the capacity of the highway network would not be unacceptable in this case.

3.123 Notwithstanding the above, the development is to be car permit free, a Construction Management Plan is required and the applicant will be required to submit an a Section 278 Agreement for footway improvements, including the formalisation of the crossover as part of the works on Barclay Road and Effie Road and the relocation of the gates on Effie Road to allow vehicles to access the site without disrupting traffic flow on Effie Road.

## ENVIRONMENTAL

### Flooding

3.124 Policies 5.11-5.15 of the London Plan require development to comply with the flood risk assessment and management requirements, including the incorporation of sustainable urban drainage systems.

3.125 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 MD LP.

3.126 Sustainability Policies 23 and 24 of SPD relate to sustainable drainage systems and green roofs respectively.

3.127 This site is in the Environment Agency's Flood Zone 3. This indicates a medium risk to flooding from the Thames, although this rating does not take into account the presence of flood defences such as the Thames Barrier and river walls which provide a high level of protection from flooding. If these failed or were breached, the site would not be at risk of rapid inundation by flood waters, although it could be impacted if flooding continued for several hours.

3.128 In terms of flood risk, the current commercial use of the site is a less vulnerable use than the proposed residential use.

3.129 As required, a Flood Risk Assessment (FRA) has been submitted with the application. The FRA makes reference that there is no sleeping accommodation at the ground floor and an internal escape route is provided from the lower and ground floor to the higher floors and to the rear yard. Water resistance and resilience measures such as flood resistant windows and a flood resistant flood wall along the rear wall of the residential properties will protect from any flooding that may occur as a result of sewer surcharge, overland flood flow or breach of the defences through raised entrance thresholds.

3.130 Finished floor levels for the ground floor units are nominated at 5.03 AOD which is above modelled flood water levels for the site at 4.607 AOD.

3.131 The proposed surface water drainage for the residential area will utilise balancing storage to achieve at least a 50% reduction in the existing peak discharge rate. The required surface water attenuation volume is proposed to be provided on the site by cellular attenuation tanks.

3.132 There are commitments to include water resistance and resilience measures and these are supported. Overall, the recommended mitigation measures outlined in the FRA are acceptable and their implementation would be conditioned. Confirmation of specific waterproofing measures, including the installation of a non-return valves(s) to prevent sewer flood risk, is to be included within the basement. See Conditions 36 and 37.

## Drainage

3.133 With respect to Policy 5.13 of the London Plan and Policy DM H3 of the Local Plan, a more detailed Sustainable Drainage Strategy was sought required to show how surface water will be managed on site in line with the requirements of. Peak surface water runoff was required to be attenuated by as much as possible, or by a minimum of 50% compared to the current situation on site.

3.134 In broad terms, the rear yards are permeable, which will allow for substantial surface water infiltration and a vast improvement upon the existing car park arrangement. These areas are to incorporate soft landscaping and/or water butts to collect rainwater for re-use. In addition, water attenuation methods are planned in the form of two tanks to mitigate run off from the commercial and residential aspects of the proposal.

3.135 The proposal is likely to be able to achieve Sustainable Drainage Systems (SuDS) in line with Council requirements. However, further details are required and a revised approach applied in terms of the attenuation levels being aimed for and the final discharge rates as well as consideration of other SuDS measures for the site. This may include rainwater harvesting and green roofs. Attenuation tanks are not the preferred SuDS method where other above ground measures are viable. This approach has been conditioned.

3.136 Thames Water added that there is insufficient wastewater infrastructure to accommodate the needs of this application and that a Groundwater Risk Management Permit will be required for discharging groundwater into a public sewer. These items are noted as conditions and informatives.

## Water Efficiency

3.137 Water efficient fixtures and fittings should also be specified to help reduce water use and minimise foul water flows from the site. This forms an informative.

3.138 The proposal accords with Policies 5.12 and 5.13 of the London Plan 2016, Policy CC2 of the Core Strategy and Policy DM of the DM LP.

## Contamination

3.139 Policy 5.21 of the London Plan, Policy CC4 of the Core Strategy and Policies DM H7 and H11 of DM LP state 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.

3.140 In consultation with the Council's Environmental Quality Officer, there is no objection to the proposed development. The site has been identified as potentially contaminated as per Part 2A of the Environmental Protection Act 1990 and is prioritised for further inspection under the Council's Contaminated Land Strategy, being in the fourth highest category of eight. See Conditions 38-43.

## Air Quality

3.141 Policies 3.2, 5.3 and 7.14 of the London Plan, Policy H8 of DM LP and Amenity Policy 21 of the SPD all seek to reduce the potential adverse air quality impacts of new major developments by minimising exposure to poor air quality, reducing emissions and imposing mitigation measures.

3.142 The development site is within the borough wide Air Quality Management Area (AQMA ). The site is an area of very poor air quality due to the road traffic emissions from Fulham Road/Barclay Road. An Air quality assessment has not been submitted to assess the air quality impact of the development.

3.143 There are uncertainties in NO<sub>2</sub> prediction concentrations as result of a disparity between the national road transport emission projections and measured annual mean concentrations of nitrogen oxides and NO<sub>2</sub> has been identified in recent years and specifically from DEFRA funded projects that have taken place in London to investigate this problem. Whilst projections suggest that both annual mean nitrogen oxides and nitrogen dioxide concentrations from road traffic emissions should have fallen by around 15-25% over the past 6 to 8 years, at many monitoring sites levels in Hammersmith and Fulham have remained relatively stable, or have even shown an increase.

3.144 Alternate building designs such as having the bedrooms and living rooms orientated away from the main sources of poor air quality or having no balconies on the Barclay Road Lane façade are impractical in this instance. In respect to this development site, the air quality specifically the NO<sub>2</sub> concentrations at the proposed residential properties even in the background will be unlikely to comply with the 40ugm-3 air quality objective for NO<sub>2</sub> until 2025. The result of this is that some of the residential units may require additional ventilation.

3.145 Due to the emissions from transportation sources mitigation may be required in the form of additional ventilation for the proposed habitable rooms with facades on Barclay Road. The fresh air intake for these residential units should be located at the rear at roof level (there should be no fresh air intakes on any elevations on Barclay Road). Care will 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.

3.146 To avoid contamination of the fresh air intake supply, the ventilation system of the residential units for should be designed to ensure that all the extracts for the ventilation system are located on Barclay Road elevations at roof level.

## Building Emissions

3.147 Building Emissions are controlled by Policy 3.2, 5.3 and 7.14 London Plan and Policy DM H8 of the DM LP. A minimum benchmark requirement is the provision and installation of Ultra Low NO<sub>x</sub> boilers with maximum NO<sub>x</sub> Emissions of under 0.040 g/kWh in addition to enhanced fabric insulation in exceedance of Building Regulations Part L 2010.

3.148 The location and height of any proposed energy plant and emergency generator flues must be included in the early building designs to ensure that the position of flue outlets are sited carefully to avoid fumes being entrained in fresh air ventilation

intakes or affecting balconies and accessible roof areas of nearby residential units. An appropriate chimney height must be determined to ensure adequate dispersal of emissions. Energy Plant flues must be positioned above the top floor level to aid dispersal.

3.149 The air quality neutral' emissions benchmarks benchmarks in Table 1 are 19.6 NO<sub>x</sub> (g/m<sup>2</sup>) and 2.15 PM<sub>10</sub> (g/m<sup>2</sup>) (Class B1), 19.1 NO<sub>x</sub> (g/m<sup>2</sup>) and 2.76 PM<sub>10</sub> (g/m<sup>2</sup>) (Class B8) and 57.3 NO<sub>x</sub> (g/m<sup>2</sup>) and 4.38 PM<sub>10</sub> (g/m<sup>2</sup>) (Class C3). These are outlined as part of air quality requirements in Conditions 47-51.

## ENERGY EFFICIENCY AND SUSTAINABILITY

3.150 Policies 5.2 and 5.3 of the London Plan; Policies CC1, CC2 and CC4 of the Core Strategy and DM H1 and H2 of the DM LP aim to reduce carbon emissions and resource use, including through sustainable design and construction. A Sustainability and Energy Statement Strategy is required to be submitted with the application.

3.151 The applicants have provided an Energy Statement for the proposed development addressing energy use, pollution, biodiversity, flooding, drainage, resource efficiency and accessibility.

3.152 A BREEAM New Construction Assessment was also carried out of the proposed new office development. This provides an environmental performance standard against which new, nondomestic buildings in the UK can be assessed and achieve a BREEAM New Construction rating. The assessment indicates a very good rating.

3.153 Proposed energy efficiency measures include improved insulation, use of solar gain and natural daylight without excessive solar glare and over-heating, high performance glazing, use of natural ventilation and use of an advanced lighting control system to help light only the required areas between the entrance point and user's storage areas.

3.154 The storage area represents 93% of the floorspace and expected energy use associated with heating, cooling and lighting is lower than for the remainder of the development.

3.155 In terms of renewable energy generation, it is proposed to utilise the flat roof area across the offices and storage areas to install south facing solar PV panels providing 45kWp output in three arrangements. It will reduce CO<sub>2</sub> emissions by at least 7 tonnes a year, which complies with Policy 4A.7 of the London Plan.

3.156 In terms of energy use and CO<sub>2</sub> reduction, the Energy Strategy shows that the planned energy efficiency and low/zero carbon measures are calculated to reduce emissions by 35% compared to the minimum requirements of the Building Regulations 2013. If built to meet the Building Regulations, the annual CO<sub>2</sub> emissions for the site are calculated to be 154.4tCO<sub>2</sub>/year for regulated energy use.

3.157 Energy efficiency measures such as combined heat and power and heat pump technology reduces emissions to 154tCO<sub>2</sub>/year. Low/zero carbon technologies are planned in the form of solar PV panels. These are calculated to further reduce annual emissions to by 18.15tCO<sub>2</sub>/year.

3.158 Overall, the planned carbon reduction measures are acceptable and are adequate to meet the required London Plan target. These details will be secured by condition.

#### PLANNING OBLIGATIONS - COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.159 The Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. It would contribute towards the funding of Crossrail, and is charged at £50/square metre. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with Policy 8.3 of the London Plan.

3.160 With additional floor area for the B1, B8 and C3 uses totalling 2,180 square metres, a total of £109,000 is payable.

3.161 Hammersmith and Fulham's local CIL came into effect in September 2015 and is a material consideration to which regard must be had when determining this planning application. It is 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.

3.162 In this case, there is no levy for additional business floor area. However, the application proposes additional residential floor area in the vicinity of 1,130 square metres. With a local CIL levy set at £200/square metre, a total of £226,000 is payable.

#### 4.0 CONCLUSIONS AND RECOMMENDATION

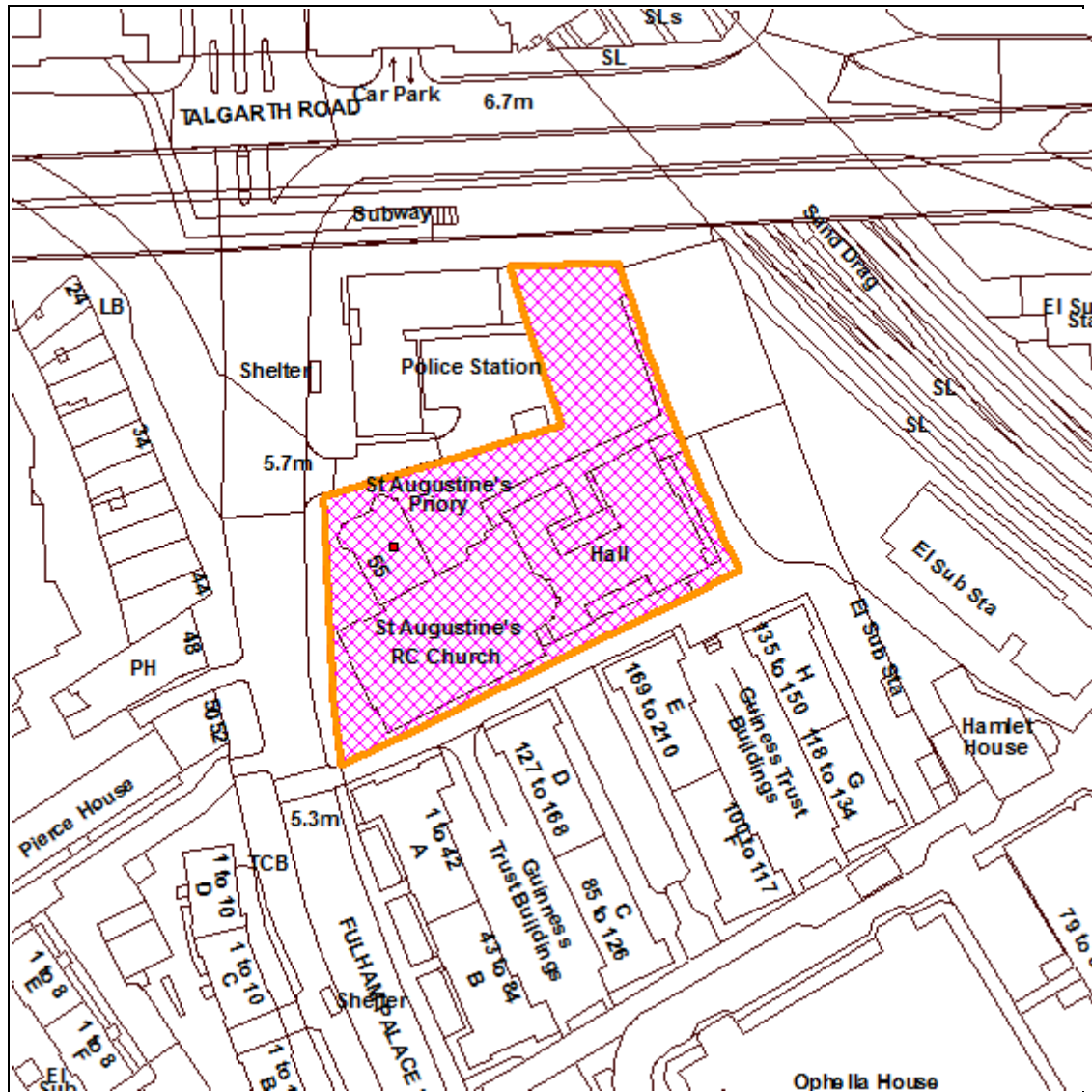
4.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, would preserve the setting of the conservation area, would not cause significant harm to the amenity of neighbouring residents and would contribute to additional office floor area and dwellings of an acceptable scale and mix in an appropriate location.

4.2 Subject to the submission of some additional details which can be secured by condition, the proposal is supported. It is recommended that the application is approved subject to conditions.

**Ward:** Hammersmith Broadway

**Site Address:**

St Augustine's Priory 55 Fulham Palace Road London W6 8AU



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

**Reg. No:**  
2016/02870/FUL

**Case Officer:**  
Simon Taylor

**Date Valid:**  
29.06.2016

**Conservation Area:**  
Hammersmith Odeon Conservation Area - Number 44

**Committee Date:**  
14.12.2016

**Applicant:**

Father Gianni Notarianni  
St. Augustine's Church & Priory 55 Fulham Palace Road Hammersmith London  
W6 8AU  
United Kingdom

**Description:**

Partial demolition and extension to Augustinian Centre to add an additional 5 storeys on top of part of the existing storey (plus 2 basement levels) building, to provide residential accommodation (Use Class C2), including a private roof terrace at second floor; New first floor 'pavilion' extension over existing Augustinian Centre roof to connect with new Priory accommodation providing administrative space at first floor (D1 use); Roof terrace to the pavilion west elevation; Two storey brick extension to existing single storey stairwell to Augustinian Centre - for further plant and circulation; Brick infill to south west corner of perimeter courtyard to extend John Stone Hall and provide studio/storage space for the basements existing D1 use; Full demolition of connection between altered Augustinian Centre and St. Augustine's Church; New single storey sacristy extension to either side of rebuilt Church Apse to match existing Church detail and material; Proposed single storey corridor to connect proposed new sacristies back to church; Glazed brick with flat roof; Landscaping of the site, including the creation of a piazza, solar panels on the roof of the residential accommodation, altered car parking arrangements, new boundary treatments, bin and garden refuse, colonnade and hard and soft landscaping; New pedestrian entrance to Talgarth Road; Refurbishment of St. Augustine Church and Priory, including external alterations to facade windows and doors; Full cleaning method proposed for brickwork.

Drg Nos: RBA36 01-000, RBA36 01-002, RBA36 01-103, RBA36 01-200, RBA36 01-202, RBA36 01-203, RBA36 02-200, RBA36 03-100, RBA36 03-101, RBA36 03-102, RBA36 03-103, RBA36 03-104, RBA36 03-105, RBA36 03-201, RBA36 03-204, RBA36 04-100, RBA36 04-101, RBA36 04-102, RBA36 04-200, RBA36 04-300, RBA36 03-301, RBA36 04-302, RBA36 04-303, RBA36 04-400, RBA36 04-401, RBA36 04-501 (Types 02-06, 07 Existing and 07 Proposed), RBA36 04-500 and RBA36 04-501 (Type 01, 02 Existing 02 Proposed, 03 Existing, 03 Proposed), all initial issue and dated June 2016. RBA36 01-201, RBA 01 204, RBA36 01-400(-2), RBA36 01-400(-1) RBA36 01-400, RBA36 01-401, RBA36 01-402, RBA36 01-403, RBA36 01-404, RBA36 01-405, RBA36 01-406, RBA36 02-201, RBA36 02-202, RBA36 02-203, RBA36 02-204, RBA36 02-205, RBA36 03-200, RBA36 02-202, RBA36 03-203, RBA36 04-201 and RBA36 04-501 (Type 1), all Revision P1 and dated 19 August 2016

**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.

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



- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: RBA36 01-000, RBA36 01-002, RBA36 01-103, RBA36 01-200, RBA36 01-201, RBA36 01-202, RBA36 01-203, RBA 01 204, RBA36 01-400 (-2), RBA36 01-400 (-1), RBA36 01-400, RBA36 01-401, RBA36 01-402, RBA36 01-403, RBA36 01-404, RBA36 01-405, RBA36 01-406, RBA36 02-200, RBA36 02-201, RBA36 02-202, RBA36 02-203, RBA36 02-204, RBA36 02-205, RBA36 03-100, RBA36 03-101, RBA36 03-102, RBA3603-103, RBA36 03-104, RBA36 03-105, RBA36 03-200, RBA36 03-201, RBA36 02-202, RBA36 03-203, 03-204, RBA36 04-100, RBA36 04-101, RBA36 04-102, RBA36 04-200, RBA36 04-201, RBA36 04-300, RBA36 03-301, RBA36 04-302, RBA36 04-303, RBA36 04-400, RBA36 04-401, (Types 01-06, 07 Existing and 07 Proposed), RBA36 04-500, RBA36 04-501 (Type 01, 02 Existing, 02 Proposed, 03 Existing, 03 Proposed), All plans dated 19 August 2016.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 3) The demolition hereby permitted shall not be undertaken before:
- a building contract for the redevelopment of the site in accordance with this planning permission has been entered into and
  - notice of demolition in writing and a copy of the building contract has been submitted to the Council and approved in writing.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 4) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed.

This should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and non road mobile machinery (NRMM). Air quality monitoring should be undertaken where appropriate and used to prevent levels exceeding predetermined alert and action levels. The assessment should take into account residential receptors onsite and offsite of the development. Approved details shall be implemented throughout the project period. Approved details shall be implemented throughout the project period.

To ensure that demolition 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).

- 5) Prior to the commencement of the development hereby permitted, a Demolition Management Plan (including a Demolition Method Statement) 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.

This should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and non road mobile machinery (NRMM). Air quality monitoring should be undertaken where appropriate and used to prevent levels exceeding predetermined alert and action levels. The assessment should take into account residential receptors onsite and offsite of the development. Approved details shall be implemented throughout the project period.

To appropriately mitigate the impact of the development during demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 6) Prior to the commencement of the development hereby permitted, 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, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. 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, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, 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 H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 8) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details of any solar panels (including angle relative to the surface of the roof and in relation to the parapet) and any signage facing Fulham Palace Road or Talgarth Road. 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 and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 9) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of an Accessibility Plan detailing all aspects of the development depicted in the Ground Floor Accessibility Plan numbered RBA36 01 204 and as amended by the following:
- Signage at all main public entrances and accessible car parking spaces directing users to the nearest ramp and entrance
  - Automatically opening doors within the church corridor and cafe and other public spaces
  - A minimum of three accessible units within the tower development

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 accessibility to the public areas of the development for all users and satisfactory provision of accessible dwellings in accordance with Policy 3.8 and 4.5 of the London Plan 2011, Policy H4 of the Core Strategy 2011 and Policies DM A4 and G1 of the Development Management Local Plan.

- 10) Prior to commencement of the development, a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake and extract 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.

Due to the emissions from road transportation sources, mitigation will be required in the form of additional ventilation for the proposed habitable rooms with facades on Talgarth Road and Fulham Palace Road. The fresh air intake for these residential units should be located at the rear at roof level and there should be no fresh air intakes on any elevations on Talgarth Road or Fulham Palace Road.

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 comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 11) Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra Low NOx Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 12) The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs. It also includes plantings located within the terrace and roof areas of the tower development.

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

To ensure a satisfactory external appearance and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 13) Any tree or shrub planted pursuant to condition 15 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and to prevent harm to the streetscape, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 14) Except for like-for-like replacement and rainwater pipes, no new plumbing, extract flues or pipes shall be fixed on the Fulham Palace elevation of the building(s) hereby approved.

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

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

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

- 16) No alterations shall be carried out to the external appearance of the development, including the installation of air-conditioning units, ventilation fans or extraction equipment (including for the café) not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1, DM G7 and DM H9 of the Development Management Local Plan 2013.

- 17) With exception to the first and second floor terrace areas within the tower development, no part of the remainder 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 shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does 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, in accordance with Policy 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.

- 18) 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 and all surface treatments, including boundary walls, brickwork, pointing, cladding, railings, gates and fences and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details. Details in plan and elevation form at 1:20 scale are also to be provided of the art installation proposed within the forecourt in front of the priory building.

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

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

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

- 20) Prior to commencement of above ground works (excluding demolition), details including drawings in section and elevation at a scale of 1:20, where appropriate to show proposed cladding, fenestration, glazing, balconies and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 21) The development shall not commence prior to the submission of a schedule specifying the likely waste generation and method of collection from the site, including from the residential tower, office space, café, church and priory, including the number of refuse receptacles to be used within the waste storage area. Composting facilities for use by the cafe and separate waste garbage and recycling storage for each use on the site are to be provided and must be capable of accommodating at least a days waste.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 22) Prior to the commencement of the development details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 23) The development shall not commence prior to the submission of details of all motorcycle and cycle parking on the site, including provision for at least three motorcycle spaces. No part of the development hereby approved shall be occupied prior to the provision of these spaces. All spaces are to be maintained for the life 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 2011.

- 24) The 12 car parking spaces are to be implemented prior to completion of the development in accordance with the drawing number RBA36 01-200 Rev P1 maintained and and thereafter permanently retained. The 12 spaces are to be

assigned for use by St Augustine's Church and Priory and all of the associated uses on the site and are not to be privately rented to external parties.

In order to make provision for sufficient parking for the uses on the site in accordance with Policy DM J2 of the Development Management Local Plan 2013.

- 25) The Travel Plan for the site is to be monitored by the applicant at years 1, 3, and 5 and any adverse findings presented to Council.

To ensure satisfactory management of traffic to, from and within the site In accordance with Policy DM J1 of the Development Management Local Plan 2013 and Transport Policy 2 of the Supplementary Planning Document 2013.

- 26) The development shall only be carried out in accordance with the flood mitigation measures outlined in the approved Flood Risk Assessment (FRA), reference RBA36 05 100, prepared by Roz Barr Architects and dated 15 June 2016), including any non-return valve if necessary.

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 London Plan 2011, 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.

- 27) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, and a maintenance programme for the sustainable urban drainage measures, have been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently maintained in accordance with the agreed details. It must include all water efficiency measures to be integrated.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy CC2 of the Core Strategy 2011 and Policy 5.13 of The London Plan 2011, PPS25 and Policy DM H3 of the Development Management Local Plan 2013.

- 28) 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  $L'_{nT,w}$ , as appropriate, for the floor/ceiling /wall structures separating different types of rooms 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 Policy DM H9 and H11 of the Development Management Local Plan 2013.

- 29) Details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:1992. 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 is not adversely affected by ground- or airborne vibration, in accordance with Policy DM H9 and DM H11 of the Development Management Local Plan 2013.

- 30) The noise level in rooms at the development hereby approved shall demonstrate how the development meets the 'Good' noise standard specified in BS8233:1999 for internal rooms and external amenity areas. External noise and vibration from existing and or proposed industrial/ commercial noise sources, building services plant shall be 10dBA Leq below background LA90, as assessed according to BS4142:1997 at the development site, with all machinery operating together.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/commercial noise sources], in accordance with Policy DM H9 and H11 of the Development Management Local Plan 2013.

- 31) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Council. Details shall demonstrate that vertical illumination of neighbouring premises is a maximum of 10lux at ground floor and 5lux at first and higher floor levels. The recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2005' shall also be met with regard to glare and sky glow. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, G7, H10 and DM H11 of the Development Management Local Plan 2013.

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

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 33) The footway and the carriageway of Fulham Palace Road must not be blocked during the development of the proposal. Temporary obstructions during the construction of the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Fulham Palace Road.

All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.



To ensure traffic movements associated with the construction of the buildings does not interference with the free flow of traffic, in accordance with Policy DM J1 and DM J2 of the Development Management Local Plan 2013.

- 34) The 10 units within the residential tower are not to be sold or let for financial gain or as residential dwellings, short term serviced apartments, hotel rooms or other similar uses,

The use of the units as any other use would raise materially different planning considerations that the council would wish to consider at that time, in accordance with various aspects of the London Plan, Core Strategy 2011, Development Management Local Plan 2013 and the Planning Guidance Supplementary Planning Document 2013.

- 34) The development hereby approved shall not proceed above ground floor damp proof course level until detailed information on the mechanical ventilation system shall be submitted to and approved in writing by the Council and thereafter carried out in accordance with these details, including details of where air intakes would be located to avoid areas of NO<sub>2</sub> or PM exceedance. Chimney/boiler flues and ventilation extracts must be positioned a suitable distance away from ventilation intakes, balconies, roof gardens, terraces and receptors to reduce exposure to occupants to acceptable levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained in good working order. 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.
- 35) The operating/opening hours of the public cafe and deliveries threto are limited to between 7am and 8:30pm, 7 days a week (including bank holidays). Waste collection from the site is limited to between 7am and 11pm, Monday to Saturday, and not at any time on Sundays and/or Bank holidays unless otherwise agreed in writing with the Council.

In order to protect the amenity of surrounding residential occupiers, in accordance with Policy DM H9 of the Development Management Local Plan 2013.

- 36) No development shall commence until a risk assessment based on the Mayor's of London SPG 'The Control of Dust and Emissions during Construction and Demolition', July 2014 has been undertaken and the identified measures recommended for inclusion into a site specific Air Quality Dust Management Plan (AQDMP) that is submitted to an approved in writing by the Council. This AQDMP should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and Non Road Mobile Machinery (NRMM). Air quality monitoring of PM<sub>10</sub> and PM<sub>2.5</sub> should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality Alert and Threshold trigger levels. The assessment should consider residential receptors on-site and off-site of the development. Developers must 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 37) Prior to commencement of development, details for construction of a green wall/ green infrastructure (including details of planting species and maintenance) on the section of development facing Talgarth Road and Fulham Place Road shall be submitted to and approved by the local planning authority. The green wall/ infrastructure shall be constructed and planted up in full accordance with the approved details within the first available planting season following completion of buildings in the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 38) Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

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

1) Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough, accord with the predominant form of surrounding development and contribute to the Hammersmith Odeon conservation area. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy Policy BE1 and Policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44, 46, 47, 48, 49 and 50 of the Planning Guidance SPD (2013).

2) Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no

significant worsening of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, H9, H11 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

3) Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2011) Policy 7.3 and Policy DM G1 of the Development Management Local Plan 2013 (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2011) Policy 3.8, Core Strategy (2011) Policy H4, Policy DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance SPD (2013).

4) Transport: Subject to a conditions, there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policies T1 and CC3 (2011), Policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance SPD (2013).

5) Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2011) 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).

6) Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policy 5.21 of the London Plan (2011), Policy CC4 of the Core Strategy (2011), Policies DM H7 and H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance SPD (2013).

7) Accessibility: The development includes full accessibility for car parking and pedestrian access, for residents within the residential units and for visitors to the café, church and office spaces. The proposed development therefore accords with Policy 3.8 and 4.5 of the London Plan 2011, Policy H4 of the Core Strategy 2011, Policies DM A4 and G1 of the Development Management Local Plan and SPD Design Policies 1, 2, 3 and 52 of the Planning Guidance SPD (2013).

8) Air Quality: Subject to mitigation measures and fresh air intake, the proposal will ensure neutral air quality outcomes in accordance with Policies 3.2, 5.3 and 7.14 of the London Plan and Policy DM H8 of the Development Management Local Plan.

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

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

Application form received: 22nd June 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>
Crime Prevention Design Advisor - Hammersmith	22.07.16
Transport For London - Land Use Planning Team	28.07.16
Hammersmith & Fulham Historic Buildings Group	21.07.16
The Hammersmith Society	02.08.16

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
42 Greenside Road Hammersmith W12 9JG	21.07.16
45 Bradmore Park Road London W6 0DT	22.07.16
NAG	03.08.16
E Block Guinness Trust Buildings Fulham Palace Rd W6 8BG	28.07.16
32 High Street West Malling Kent ME19 6QR	25.08.16

**1.0 BACKGROUND**

1.1 The subject site relates to an L-shaped allotment with a total site area of approximately 3,108 square metres. It is located immediately south of Hammersmith Broadway and is one property removed from the intersection of Fulham Palace and Talgarth Roads, wrapping around the British Transport Police Station building located on the intersection of the two roads. Hammersmith Flyover is elevated above and parallel to the northern boundary.

1.2 The property has two street frontages - a 46m frontage to Fulham Palace Road comprising several pedestrian entrances with a vehicular driveway on its northern side and an 18.5m pedestrian frontage to Talgarth Road.

1.3 The two primary buildings on the site are the Neo-Romanesque church and adjacent priory, constructed in 1912-1915. The buildings are designated Buildings of Merit and address Fulham Palace Road but are orientated/sited at a slight angle to the street. A two storey (plus two basement levels) administration building is connected to the rear of the church building and extends to the southern (side) and eastern (rear) boundaries. The remainder of the site is paved and used mostly for car parking, including a 560 square metre parcel of land adjoining Talgarth Road.

1.4 Immediately to the south of the site are Blocks A-H of the five and six storey Guinness buildings. The allotment to the east is part of the Guinness buildings but is currently undeveloped. To the north are the Hammersmith flyover and the two storey Transport Police Headquarters. To the western side of Fulham Palace Road are two and three storey retail buildings. Further afield, there are a variety of tall buildings including the Apollo Theatre and the Peabody Estate to the west, Broadway Shopping Centre and Novotel to the north and a large advertising tower and the Ark office complex to the east. The District and Piccadilly tube lines traverse the western side of the site.

1.5 The site is located within the Hammersmith Odeon Conversation Area boundary and is opposite the grade II\* listed Hammersmith Odeon. The Guinness Trust estate and the Peabody estate are also designated Buildings of Merit.

1.6 The site has an excellent public transport accessibility level (PTAL) of 6b on a scale of 1- 6b. Broadway Shopping Centre on the opposite side of Talgarth Road is within 80m of the site and comprises Hammersmith tube station (with the Piccadilly and District Lines) and a bus interchange with numerous services.

#### Relevant Planning History:

1.7 A number of applications relating to modest alterations to the existing Church and community buildings have been made in the 1980s, 1990s and 2000s.

1.8 The proposal comprises several elements, including refurbishment of the existing priory and church building, a new six storey tower comprising office and residential space and landscaping and paving throughout the site.

1.9 The works to the St Augustine's church and priory buildings comprise the following:

- Internal and external refurbishment throughout, including restoration of the stained glass windows and new steps at the church entrance
- Addition of a sacristy at the rear of the church
- Provision of a WC within the ground floor of the priory

1.10 The works to the existing St Augustine's Centre (community hall building) comprise the following:

- Demolition of the linking structure between the church and community hall (with the construction of the sacristy in its place)
- Internal works within the two basement levels to establish flexible event/exhibition space with meeting areas, foyer space, WCs and lightwells
- Alterations and additions on the ground floor to establish a 82 square metre café (with kitchen), main performance space, office and courtyard area

- Construction of five additional levels above resulting in a six storey tower with meeting rooms, office space and a terrace on the first floor, communal living spaces (including a kitchen, lounge room, dining room) and terrace on the second floor and ten x C2 residential bedsit rooms with a chapel on the three upper levels

1.11 The balance of the application comprises various external works, including the following:

- Refurbishment of the northern carpark including a reduction in the number of car parking spaces from 27 spaces to 12 spaces, the addition of eight cycle spaces and a new landscaping scheme and the planting of approximately 50 new trees
- Provision of two accessible car spaces and 12 cycle spaces to the north east of the priory building
- Improved access including a piazza between the church and community building and the provision of disabled access throughout the complex
- New front fencing to the Fulham Palace Road and Talgarth Road frontages and new side fences
- Lighting structure and art installation in front of the priory building
- Bin store adjacent to the vehicular entrance

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The planning application was notified to 124 surrounding residents from 12 July to 4 August 2016. A site notice and advertisement were also used as the development was deemed to have the potential to affect the character of the conservation area. As a result, 2 submissions were received from:

- E Block Guinness Trust Buildings Fulham Palace;
- Planning representatives on behalf of the Guinness Partnership at Guinness Trust Buildings Fulham Palace;

2.2 The concerns raised by the Guinness Trust Buildings are summarised as follows:

- Loss of outlook from Guinness Trust Building Block E  
Officers' response: As the height and form of the six storey tower development above the Augustinian Centre is considered to be acceptable, the outlook is also considered to be reasonable. The exception was the scale and height of the staircase structure and its proximity to the southern boundary in the vicinity of (but not directly in front of) the northern side elevation of Block E. This necessitated changes to the design, which have been included in the amended plans and assessed in the body of the report as being acceptable.
- Lack of sunlight and daylight afforded to units within the tower that is not in compliance with BRE requirements due to inadequate window size  
Officers' response: A sunlight and daylight report was submitted with the application and the proposal and impact upon surrounding properties is considered to be acceptable. See paragraphs 14.25-14.27.
- No CMP and CLP submitted.  
Officers' response: These documents have been conditioned.
- View 2 analysis is misleading as it does not show the tower behind the church.

Officers' response: It is agreed that the tower is not visible behind the church at a certain point on the western side of Fulham Palace Road. By moving marginally north or south along Fulham Palace Road, the view of the tower behind the church will open up.

2.3 Transport for London raised issue with several aspects of the application. Comment in response from Council follows.

- The footway and carriageway must not be blocked and vehicles must only park/stop at permitted locations

Officers' response: These are noted as conditions.

- All car parking apart from blue badge should be removed

Officers' response: Council's officer takes the approach that a reduction in parking is a positive outcome although the removal of all parking is counterproductive given the mix of uses, including mostly community facilities, and the likely age of residents visiting and living on the site.

- The applicant has not clarified the dimensions of the blue badge parking spaces and the buffer space around the vehicle

Officers' response: The blue badge parking is marked J on the amended plan with all three spaces measuring 4.8m x 2.4m with a 1.2m buffer. This is compliant.

- Cycle parking spaces were welcomed, including the larger and uncovered spaces

Officers' response: Noted.

- Swept path drawings of vehicles driving past the supporting column for the colonnade are required

Officers' response: A colonnade entrance is proposed as the entry to the driveway to the main carpark. With a width of 4.4m, it will not impede any vehicle movements to the car park, including accessible and emergency services vehicles. Council's Highways and Engineering Section confirm as such.

- Further information is required with respect to how refuse will be accessed and serviced

Officers' response: The refuse area is located immediately adjacent to the vehicular entrance. This is the most appropriate location on the site and no objection is raised with respect to access for servicing requirements, including manoeuvrability.

- A demolition and construction logistics plan including wider vehicle routing, swept path analysis for the largest vehicle, mandatory wheel washing and delivery times, is required

Officers' response: There are no obvious impediments to a redevelopment of this nature and scale occurring on the site, with ample space for construction vehicles on the site and adequate waiting space without impacting upon traffic movements on Fulham Palace Road. A Demolition and Construction Logistics Plan is conditioned.

2.4 Environment Agency, Thames Water and the Fulham Society did not provide comment in the specified time frame.

2.5 The Crime Prevention Design Advisor noted that with respect to cycle parking, CCTV provision, access control and Secure by Design (SBD) doors and windows, the proposal is acceptable.

2.6 Hammersmith Society noted the church refurbishment, removal of intrusive works to the rear of the church, landscaping treatments and the additional public facilities are all supported. The café and residential tower are also acceptable. However, the following concerns were noted (with Council comments provided where relevant):

- The complete removal of the wall and railings on safety grounds (with the potential for children to run onto Fulham Palace Road)

Officers' response: The new boundary treatment to Fulham Palace Road comprises 1.0m high bollards with wire railing between the bollards installed at height of 0.65m above the ground. This is considered to be sufficient on safety grounds.

- The proposed access for wheelchair users is impractical and in compliance with the latest legislation.

Officers' response: The proposal was reviewed by the Hammersmith and Fulham Disability Forum and via the submission of amended plans, the levels of accessibility throughout the site are considered to be satisfactory. See paragraphs 16.1-16.3.

- Non-intrusive external lighting,

Officers' response: The types of lighting, including the lighting installation in the western corner of the site, are considered to be acceptable. Conditions have been applied in order to address any potential for light overspill to surrounding properties.

- Issues of air quality arise via the opening up of the north boundary wall running adjacent to the Flyover

Officers' response: Council notes concerns with respect to air quality implications. This is discussed in further detail in the Air Quality section of this report. Conditions have been applied.

2.7 Hammersmith and Fulham Historic Buildings Group support the proposal as it represents an improved heritage outcome with additional trees and landscaping. The juxtaposition of the five storey building is appropriate.

2.8 The Hammersmith and Fulham Disability Forum made a number of submissions regarding the development, including but not limited to lack of RL details, door and lift widths, excessive ramp gradients and the lack of a WC within the church. Amended plans were submitted by the applicant that addressed all of the above concerns such that the proposal was found to be acceptable. This is detailed in the body of the report.

### 3.0 PLANNING 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:

- Acceptability in land use terms
- Housing supply
- Community facilities
- Design and conservation



- Visual amenity of the tower development and its compatibility within the conservation area
- Amenity impact upon neighbouring residents including noise, overlooking, sunlight, daylight and sense of enclosure
- Traffic and parking provision
- Accessibility
- Waste and servicing
- Landscaping
- Air quality due to the proximity to high trafficked thoroughfares
- Other material considerations, including flood risk, drainage and contaminated land

## LAND USE

### Community Facility

3.2 The site has been used as a church and priory for in excess of 100 years. Development on the site has since included largely unsympathetic works associated with the Augustine Centre at the rear of the church.

3.3 The existing primary use on the site is the church, with ancillary residential accommodation attached to the church and community facilities and offices associated with the wider operations of the church. The church is classed as a D1 non-residential institution.

3.4 The proposal involves the expansion of the B1 uses, being the community facilities of the Augustine Centre and ancillary office space associated the operations of the community centre as well as additional residential accommodation (C2 use) and the establishment of a café (A3 use).

3.5 Staff numbers are perceived to increase from 10 full time staff to 10 full time and 4 part time staff. This is considered to be modest.

3.6 Subject to limitations upon the operating hours of the café use in Condition 34, the expanded land uses are reasonable in the context of the surrounding land uses, which are predominantly commercial and retail to the north and east and retail and residential to the south and west. The proposed development also complies with national and regional policy, and as such there is no objection in principle to the proposed development in terms of land use.

3.7 Policy CF1 of the Core Strategy and Policy DM D1 of the DM LP are of relevance to the subject application as it involves the provision of additional community facilities. Policies 3.16 and 3.18 of the London Plan are also of some relevance.

3.8 The proposal involves a net increase in community space with provision for about 685m<sup>2</sup> of flexible performance and education space as well as office space. It is in ready proximity to public transport. It represents a positive outcome.

### Housing Supply

3.9 Policy 3.3 of the London Plan requires an annual average of 42,000 net additional homes to be delivered with Table 3.1 setting an annual target of 1,031 net additional

dwelling for Hammersmith and Fulham. The Draft Local Plan (2015) currently supports the new updated targets as set out in the London Plan. In the interim, however, Policy H1 of the Core Strategy reiterates the London Plan's previous annual target of 615 net additional dwellings for the borough. This is supported by Policy DM A1 of the DM LP.

3.10 The new six storey residential tower at the rear of the site will comprise 10 bedsit studio units across the three uppermost levels, each with room for a single bed, a bathroom and an area for a desk and appliances. The rooms will be for use by priests for short and long term accommodation. Communal kitchen and living facilities, including an outdoor terrace, will be established on the second floor.

3.11 By definition, the rooms are not self-contained units, long term residential accommodation, short term apartments or hotel rooms. The most appropriate fit is as a Class C2 residential institution. As such, they are not subject to any requirements in the London Plan. Nonetheless, the provision of 10 new studio units represents a net gain of seven new residential units on the site. The application is supported on this basis.

## QUALITY OF RESIDENTIAL ACCOMMODATION

3.12 Chapter 3.8 of the London Plan, Policy H4 of the Core Strategy and Policy DM A3 of the DM LP require a choice of high quality residential accommodation that meets the needs of local residents and market demand. Housing Policy 3 of SPD also relates to the provision of sufficient amenity space in the form of balconies.

3.13 Policy H3 of the Core Strategy and Policies DM A2 and DM A9 of the DM LP seek to ensure that all housing development is provided to a satisfactory quality and has an appropriate mix of types and sizes, with a particular emphasis on family accommodation.

3.14 Chapter 3.5 of the London Plan requires high quality internal design, taking into account physical context, local character, density, tenure and land use mix in addition to the provision of open spaces and the needs of children, disabled and older people.

3.15 The ten units will be located on Levels 4, 5 and 6 with four units on each of the levels centred on a common corridor. The units measure between 11.5m<sup>2</sup> and 14.5m<sup>2</sup> internally, which is substantially less than that required for studios under the London Plan (37m<sup>2</sup>) and does not represent a variety of unit mixes. However, the size, layout and functionality of the units are tailored specifically for priests' accommodation and this is considered to be a reasonable outcome. Full accessibility is achieved to each level and three of the units.

3.16 They have no private external balconies but have a communal terrace adjoining the communal living room on the lowest residential level (Level 2). The size and siting of the residential balcony, as amended, is considered to be reasonable in terms of maintaining residential amenity to surrounding properties and affording sufficient outdoor space for the occupants of all ten units. It directly connects from the lounge room, is sufficiently sized for the maximum patronage of 10 residents, is not overlooked by adjoining properties, is accessible and will have direct sunlight at certain times during the day. It is also feasible that the additional landscaping alongside the carpark could be utilised as ground floor outdoor space.

3.17 Internally, the residential units have been designed with the bedrooms on the corners of the tower and each of bathrooms sited together which will minimise noise transmission between units. The common hallway and utilities room is centrally located whilst the lift and staircase are on the eastern side of the building alongside Units 1 and 4. This is not unreasonable or worthy of refusal on internal amenity grounds. Conditions have been applied to protect the internal amenity of occupants.

3.18 With the exception of Units 1 and 5, all units are dual aspect and have two window openings to the bedroom. This is viewed as maximising light to the rooms. The two single aspect units have a southerly aspect with ample morning light provided. With the exception of Units 4, 8 and 10, all units are south facing or have a southerly aspect, which will ensure direct sunlight. The northern facing units are dual aspect and the largest rooms on each respective level, which will adequately offset their orientation.

3.19 Regardless of the above partial deficiencies, the rooms are sleeping quarters only with the communal living spaces located on the second floor. The terrace, lounge and dining room will all have ample direct sunlight throughout the day due to the southern orientation of the rooms. The overall design of the residential tower development is considered to be acceptable in terms of sunlight and daylight access.

#### Accessibility

3.20 In accordance with DM A4 of the DM LP, residential development should be built to accessible 'Lifetime Homes' standards. An accessible dwelling is required where more than 10 dwellings are proposed.

3.21 Design Policies 1, 2, 3 of the SPD relate to ensuring inclusive design and access to public areas of the site, including the community centre, café, office and meeting spaces, hall, priory, church and café as well as the surrounding piazza. Transport Policies 22 and 23 relate to access onto and around the site.

3.22 The application was reviewed by the Hammersmith and Fulham Disability Forum and the applicant has presented revised plans to meet some requests from the Disability Forum and to rectify or clarify some omissions on the plans. An Access Plan and Statement was also submitted.

3.23 The proposal, as amended, includes one accessible unit on each residential level of the tower building. This represents a building with 30% of the units being accessible, which is a positive outcome and far in excess of the 10% requirement. Full accessibility will also be maintained to the lounge and kitchen facilities on Level 2 and to the terrace spaces as well as to the other areas of the tower development. This includes lift access to each of the eight above and below ground levels of the tower.

3.24 Three accessible car parking spaces are provided within the development site with one adjacent to the tower building. These can be utilised when required for residents, cafe patrons or churchgoers.

3.25 Accessibility to the remainder of the development is of major significance in this case as the facility is always open to the public and the accommodation is tailored to priests, some of which will be elderly.

3.26 The following matters were raised and later rectified:

- RLs have been nominated on the architectural plans to illustrate compliant gradients
- A landing has been established in front of the front entrance to the corridor between the church and priory
- A handrail has been established in the corridor between the church and the priory
- An accessible WC has been provided in the priory for use by church patrons and the door to the WC widened to 1100mm allow for access
- A compliant 1:16 access ramp for a length of 6m has been provided between the church and the two accessible car spaces
- The gradient of the ramp between the café and the main car park has been improved to 1:20 with a middle landing in order to comply with regulations
- A lift chair has been established within the tower staircase
- The door to the tower lift has been widened to 1100mm
- Level access has been provided between the terraces and internal communal spaces within the residential areas of the tower
- A total of three accessible units have been established within the tower
- A buffer has been provided to the single accessible car space within the northern car park
- Level pedestrian access (<1:20) is now afforded from Fulham Palace Road and from Talgarth Road

3.27 As a direct consequence of concerns raised by Council, the amended proposal now incorporates the most direct level access between the street and accessible car spaces and the church, café and residential units. For instance, the establishment of a compliant 1:16 ramp for a length of 6.0m immediately adjacent to the two accessible church car parking spaces has removed the need for visitors to proceed 60m around the outside of the priory to access the church from these car spaces.

3.28 Further, when entering from Fulham Palace Road, a disabled user will proceed to the corridor between the church and priory before entering the church within an existing side door. The corridor is access compliant with a handrail along the length of the corridor and a gradient of less than 1:20. The doorway to the church measures 1.3m, which is acceptable.

3.29 Access from the two accessible car spaces is from the eastern side of the corridor. A complaint ramp was added to the scheme in the revised plans to ensure level access from these car spaces as it previously necessitated that users proceed for 60m around the priory building.

3.30 Access to the café and all other levels of the tower building will be via a compliant access ramp from the main car park and from the Talgarth Road entrance. A lift, with a 1.1m wide door, services each level of the tower building. Level access is also provided between the church, the piazza and the café.

3.31 Access to the priory building is unchanged. Furthermore, the use of the building is largely unchanged in that it will not be heavily utilised by the public.

3.32 Subject to these changes and the submission of a revised Access Plan showing automatically opening doors along the corridor and appropriate directional signage for visitors, the proposed scheme is considered to be fully accessible and inclusive for all persons.

3.33 Within the specifics of the London Plan not being applicable, it is considered that the proposal achieves a quality of design that is suitable for its intended occupants. Furthermore, the density is appropriate when considering the ancillary aspect of the accommodation and the close proximity to Hammersmith Underground Station, numerous bus routes and the shopping precinct.

## DESIGN

3.34 Chapters 7.4 and 7.6 of the London Plan requires that development have regard to the pattern and massing of development, that it contribute to the urban structure, create a positive relationship with the street, be informed by the surrounding historical environment and comprise appropriate materials.

3.35 Policy BE1 of the Core Strategy and DM G1 and DM G3 of the DM LP require a high standard of design in all extensions. These should be compatible with the scale and character of existing development, its neighbours and its setting. Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment. Policy DM A9 states 'the council will ensure that the design and quality of all new housing...is of a high standard.'

3.36 This is underpinned by Design Policies 21, 24, 30, 31, 45, 46 and 48 of the SPD, which relate to achieving a consistency in building line and building height and ensuring that the development achieves an appropriate setting and relationship within the conservation area.

3.37 The church and priory buildings are listed as buildings of merit. The proposal is limited to the restoration or sympathetic refurbishment of these two buildings and the removal of intrusive building works that are attached to the rear of the church. This is a positive approach that will enhance and prolong the life of the two buildings.

3.38 The alterations and additions as a whole are viewed as being in accordance with DG3. Most of the works are seen as having a positive contribution to the site with restoration of the buildings of merit and the removal of intrusive building works at the rear of the church. A modest sacristy addition is proposed in its place. It is appropriately modelled and subservient to the original church. It accords with SPD D21.

3.39 The proposal does not alter the height of the Priory or church but will involve a six storey (plus two basement levels) tower to the east of the church building. It will exceed the height of the Guinness buildings. However, it fits comfortably and consistently amongst the remaining built form in the area and in terms of the wider conservation area.

3.40 Whilst there could be some argument about whether the six storey tower building (at RL 29.24) is subservient to the church (RL 22.42) and the priory (RL 15.47), it is sited at the rear where it is less visible and removed from the church. It is not dominating to the buildings of merit when viewed from Fulham Palace Road.

3.41 Through its block form design and the use of cast iron cladding it will also be visually contrasting to the church and priory buildings, which renders the siting and built form of the development acceptable. Council's Urban Design and Conservation Officer noted that it would also 'form an ensemble with the buildings of merit on site and

provide an interesting silhouette that would contribute to the visual prominence of the site against the backdrop of the flyover.'

3.42 Three vents and three sets of solar panels will be installed on the roof of the residential tower. These are positioned and angled such that they will not protrude above the height of the parapet. They are acceptable additions to the roof in terms of the relationship with the conservation area and their visibility from nearby properties.

3.43 As noted in DG3 and DE4, the proposed redevelopment is viewed as having a positive contribution to the Hammersmith Odeon conservation area. In particular, it allows for both the enhancement and the long term security of heritage assets that have a positive contribution in the streetscape. This includes, but is not limited to the removal of intrusive fencing to both street frontages, the restoration of stain glass windows, the removal of building works at the rear of the church and additional landscaping.

3.44 In terms of Design Policy 30 and the relationship of the mixture of land use within the conservation area, the site currently houses a church, priory and hall that are used for community activities. The proposal will retain the primary use of the site as a church and priory but will also introduce community meeting rooms, a café and priest accommodation. The proposed uses will not adversely affect the character of the conservation area nor dominate the primary use on the site as a church. Rather, the increase in diversity of uses is seen as an enhancement of its community use.

3.45 In terms of Design Policy 31, the proposed alterations and additions represent a net increase in built form but via a more sympathetic scheme. The character of the Odeon Hammersmith conservation area is retained and the buildings of merit are enhanced with rectification and restoration works to the church and priory. The new contemporary addition is located away from the street, which ensures there is no interruption to the building line.

3.46 Design Policy 46 requires development to respect the general townscape in each area. The site sits amongst a varied townscape, with the five and six storey Guinness buildings to the south, the Hammersmith flyover and the two storey Transport Police Headquarters to the north, a large advertising tower to the north east and three storey retail premises on the western side of Fulham Palace Road. Further afield, there are a variety of tall buildings including the Apollo Theatre and the Peabody Estate to the west, Broadway Shopping Centre and Novotel to the north and The Ark office complex to the east. The proposal fits comfortably amongst these developments.

3.47 With respect to Design Policy 48 and the retention of overall viewscales, the applicant provided a view analysis of the tower from a variety of viewpoints in the surrounding streetscape. As noted by Council's Urban Design and Conservation Officer, it would 'provide a new, contemporary focal point to the eastern part of the site, balance the massing across the site and generally improve the presence of the Augustinian Centre in the area in views from the north.'

3.48 A thorough view assessment was undertaken by Council's Urban Design and Conservation Officer, which concluded that the proposed tower will not adversely affect views to and from the wider conservation area. The most prominent new element on the site is the six storey tower. It will be visible from numerous vantage points but in the context of its relationship with the buildings of merit on Fulham Palace Road, it is

viewed as subservient as it benefits from its siting towards the rear of the site and it fits comfortably amongst a backdrop that is dominated by the Hammersmith flyover.

3.49 Policy DM G5 of the DM LP requires that replacement windows should respect the architectural character of the building and its surroundings. The proposal involves the removal of intrusive materials and the general refurbishment of all of the existing stain glass windows to the main church building, which is a building of merit. This is a positive outcome for the heritage significance of the church and the conservation area and streetscape as a whole. The remaining fenestration works are to the less significant built elements of the site, with the proposed materials being appropriate.

3.50 Design Policy 52 states that development affecting heritage assets should achieve accessible and inclusive design wherever possible and practicable. The development is viewed as being very inclusive, which is imperative given its purpose within the community and the need that the residential accommodation is addressing. Of the changes being made to ensure full accessibility, the only structural or significant works to the buildings of merit involve the installation of a railing within the corridor between the priory and the church and the widening of the door to the WC within the priory. Both are minor and considered acceptable in terms of maintaining and not compromising the heritage significance of these buildings.

3.51 The Access Plan submitted with the application illustrates a satisfactory outcome in terms of providing disabled access to the site and is done so without compromising the merit and significance of the buildings. External ramps are detached from the building of merit whilst the only readily discernible change to the church or priory building is the widening of the doorway to enable access to the accessible WC within the priory. This approach is not opposed.

3.52 Design Policies 50 and 51 of the SPD relate to the treatment of the boundary fencing.

3.53 The subject site has two frontages - a 44m western frontage to Fulham Palace Road and an 18.5m northern frontage to Talgarth Road. The Transport Police Station sits at the intersection of these two roads between these two frontages.

3.54 The fence to Fulham Palace Road consists of a 1.8m high, open steel rail fence on a concrete base with brick piers. It allows ample sightlines to the facades of the church and priory from the street but adds little to the significance of the site within the conservation area. It will be removed and replaced with a crucifix style bollard fence spaced at 3.0m intervals and to a height of 1.0m with a cast iron vehicular entrance. On streetscape, heritage and accessibility grounds, the proposed fence opens up the streetscape further and improves the connectivity to the street. The vehicular entrance is also supported as it is situated to the side of the site and defines the vehicular access.

3.55 The existing fence to Talgarth Road consists of a 2.6m brick wall set amongst the wall of the Transport Police Station to the west and the National Rail rail line to the east. It will be altered by establishing openings at 0.9m intervals and the inclusion of cast iron pins. A plinth base will be retained and a pedestrian entrance gate will be established where none previously existed. Whilst it is to a height of 2.4m, it is also viewed as being a vast improvement from the original scheme. In this case, sightlines are afforded

through and across the site of the proposed landscaping from underneath the Hammersmith flyover where none previously existed.

3.56 The proposal also retains and rather enhances the views of the church and priory in Fulham Palace Road via the opening up of the fence along this frontage. In this regard, the proposal is supported in terms of SPD D49.

3.57 The proposal includes several elements within the frontage to Fulham Palace Road:

- A lighting installation, with at least three poles to 7.2m in height, is proposed in the north western corner. It will provide visual interest and articulation to the site and is supported.
- The bin store is setback behind the priory building within the car park entrance driveway. It is suitably positioned on streetscape grounds
- An artwork is noted on the floor plans as being positioned between the priory and church building. Its height and form is not nominated although any structure in this area is likely to provide visual interest in the streetscape. Further details are sought in the conditions

3.58 The frontage could potentially benefit from some soft landscaping as has been proposed in the Talgarth Road frontage. However, the application does not fail on these grounds.

3.59 The side and rear fences to the Guinness Buildings and Transport Police Station will be retained.

3.60 In general, the proposal, as amended, conforms to the intent of Policy BE1 of the Core Strategy and DM G1, DM G3 and DM G7 of the DM LP. The application makes a positive contribution to the conservation area and accords with the predominant form of development in accordance with Design Policies 21, 30, 31, 45, 46, 48 and 50 of the SPD,

## IMPACT ON NEIGHBOURING PROPERTIES

3.61 Policy DM G3 and DM A9 of DM LP require all proposals to be formulated to respect the principles of good neighbourliness.

3.62 The St Augustine's Priory site will house a variety of community facilities and uses on the four lowest levels, including open plan hall space and meeting rooms within the basement levels, a cafe on the ground floor and offices and meeting rooms on the first floor. On the three uppermost levels will be a total of 10 bedsit studio units and a small chapel. All of the above represent a satisfactory outcome on amenity grounds with respect to the relationship with surrounding land uses.

3.63 The tower development also includes two terraces - one on the first floor adjoining the offices and meeting room and measuring 24m<sup>2</sup> and one on the second floor for residential use measuring 32m<sup>2</sup>.

## Building Separation and Sense of Enclosure

3.64 The applicant was requested to amend the architectural plans to address concerns about the over bearing nature of the staircase/storage/vent structure to the tower



development when viewed from Block E (and to a lesser extent, Block H) of the Guinness buildings. It was initially increasing from RL 11.72 to RL 18.22 - a 6.5m increase in height within 2.6m of the southern boundary. It was subsequently lowered by one storey, which then resulted in an increase in height of only 3.5m. In doing so, it was viewed as an acceptable outcome in terms of ensuring that the development was not over bearing or over dominating. This stance was reached partly because the offending element was almost wholly offset between Buildings E and H within the Guinness development.

## Visual Privacy

3.65 The retention of existing levels of privacy is outlined in Policy BE1 of the Core Strategy, DM A9 of the DM LP and Housing Policy 8 of SPD. Specifically, Housing Policy 8(ii) requires that window separation be at least 18m in an arc of 60 degrees and Housing Policy (iii) requires particular attention to overlooking and noise from terraces.

3.66 The only residential property adjoining the property is to the southern boundary and the tower development will be setback 15.5m from the boundary and 21m from the nearest building within the Guinness development. Even then, the window openings are modest and do not represent any unreasonable degree of overlooking.

3.67 To the east, the windows overlook the largely redundant outdoor space of the Guinness buildings. To the north, the outlook is over the carpark of the subject site and to the west, the outlook is over the church and priory.

3.68 The first floor terrace looks westward towards the piazza, priory and church with no sightlines to residential properties of any prominence. It is framed by the staircase/storage/vent structure on its southern side and meeting rooms on the northern side and is setback 0.8m from the building edge, which will aid in limiting sightlines and with the containment of any potential noise.

3.69 The second floor terrace is slightly larger and adjoins the living room of the communal residential space. It will be available for use by the occupiers of the residential units, which is a maximum of 10 persons. It is framed only by a lightweight privacy wall on its southern side due to the deletion of the storage structure in the amended plans. Nonetheless, the same planning conclusion is reached - that the size, siting, separation to the nearest residential properties and likely extent of use of the space will not lead to an unreasonable impact upon the neighbouring properties.

3.70 The tower has been appropriately sited and designed so as to ensure that there is no unreasonable levels of overlooking with almost the entire outlook inward within the subject site. Through the modestly designed windows and distance of separation, there is no unreasonable overlooking from the residential rooms themselves.

3.71 Accordingly, it is considered that the proposed development would not have an unacceptable impact on the existing amenities of the occupiers of these neighbouring properties in terms of overlooking/loss of privacy.

## Noise Disturbance

3.72 Policies DM A9 and DM H9 of DM LP are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting.

3.73 More specifically, Design Policy 8(iii) requires particular consideration of noise transmission from terraces, Amenity Policy 23 requires careful consideration of the design and insulation of dwellings in relation to other dwellings and commercial development and Amenity Policy 22 states that new dwellings should be protected from high noise sources.

3.74 The primary uses on the site will be unchanged. The church, and the hall spaces within the basement behind the church, will continue to be used in their current fashion. As such, there is no perceived exacerbation of noise from these areas.

3.75 New uses include a cafe and residential accommodation. This is discussed below in DH9\_2 as being acceptable. Less traffic movements and noise associated with these movements will also result due to a reduction in parking on the site.

3.76 The proposal involves the establishment of a café at the rear of the site, a piazza between the church and the café and 10 new residential units within the tower (with communal terraces on the first and second floors). Each of these elements has the potential for noise transmission but through sensitive design in the amended proposal, it is perceived to be reasonable.

3.77 In particular, the site benefits from its location amongst the high background noise of passing traffic on the Hammersmith flyover and Fulham Palace Road. Furthermore, the southern boundary is the only boundary shared with a residential property - being the units of the Guinness buildings.

3.78 The café and tower are 15m from the boundary with the Guinness buildings. The café faces back onto the piazza, internalising any noise transmission arising from cooking preparation or from patrons within the cafe towards Fulham Palace Road.

3.79 However, there are no nominated hours of use for the operation of the café or for deliveries or waste collection. Given the proximity and number of residential properties in the Guinness buildings, Condition 34 has been applied to ensure that there is no late night or early morning disturbances. This limits the café trading and deliveries to between 7am and 8:30pm, Monday to Sunday. This accounts for trading around church services (weekdays at 8am and 12:15pm, Saturday at 6pm and Sunday at 9am, 10:30am, 12:15pm and 6:30pm) when the number of people on the site will have increased.

3.80 Waste collection from the site is also conditioned in Condition 34 to protect the amenity of surrounding residences. Collection is limited to between 7am and 11pm with no collections on Sundays.

3.81 The first terrace opens from the Austin Forum office and a meeting room. With its non-residential use, it is only likely to be used on an intermittent basis for instances such as a breakout space or for breaks during meetings. It originally measured 9.3m x 4.0m, which posed some concern with respect to noise transmission. The applicant

revised the dimensions of the terrace and added additional landscaping to the roof of the ground floor. At its revised depth of 2.4m and total area of 24m<sup>2</sup>, it is not considered to be unreasonably large or poorly designed or sited to warrant any concern with respect to noise transmission. With it being in excess of 11m to the nearest residential property, no objection is raised.

3.82 The terrace on the second floor has also been reduced in size from 51.5m<sup>2</sup> to 32m<sup>2</sup> and incorporates additional landscaping. It will adjoin the communal living quarters of the priest's accommodation and will be accessible only to these residents. Given the accommodation is for priests of varying ages, the level of usage is likely to be intermittent and irregular with the siting of the terrace projecting any noise across the site rather than to the nearest residential receiver

3.83 Plant areas have been sensitively designed and located in the basement

#### Access to Sunlight and Daylight

3.84 Sunlight is to be protected to adjoining properties by DM A9 of DM LP and Housing Policy 8 of the SPD.

3.85 The applicants have submitted a daylight and sunlight report in support of the proposal. It concluded the following:

'The results of the assessment demonstrate that the vast majority of windows would retain VSC levels in excess of the suggested targets.

The Vertical Sky Component (VSC) results do indicate deviations to a small number of (habitable room) windows within the Guinness Trust Building E. Given the isolated nature of these daylight losses it was not considered necessary to set the alternative targets as suggested in the (Building Research Establishment (BRE) guidance. However, it is clear that if the Guinness Trust buildings were mirrored in the boundary the impact they would have on themselves would be greater than that caused by the proposal. Further to this, the No Sky Contours (NSC) results indicate that only one room within this property would see a noticeable alteration to its daylight. As such, it is considered that the impact of the proposal on this building is in line with the intentions of the BRE guidelines.

In addition, the VSC results for the existing priory indicate a single deviation from the suggested targets. Notwithstanding this, the results of the NSC analysis confirm full compliance with the BRE targets, confirming a reasonable level of daylight distribution within the room. As such, it is also considered that the impact on this building is in line with the intentions of the BRE guidelines.'

The results of the Annual Probable Sunlight Hours (APSH) sunlighting assessment of the surrounding properties also show that all windows experience APSH levels in line with the BRE criteria.

The overall results of the daylight and sunlight assessment confirms compliance with the overall intentions of the BRE criteria and British Standard guidance.

3.86 The conclusions reached above are supported.

## TRANSPORT AND HIGHWAYS

3.87 The NPPF requires developments that generate significant traffic movements to be minimised via the use of sustainable transport modes. Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services.

3.88 The site is located in Public Transport Accessibility Level (PTAL) 6b using Transport for London's methodology, indicating that it has an excellent level of accessibility by public transport. There should be very little reliance upon private car parking.

### Traffic Management

3.89 The proposal does not meet the threshold for the implementation of a Transport Assessment or Travel Plan in accordance with DM J1 of DM LP. There is a modest increase in traffic movement and overall reduction in available parking on the site. Nonetheless, a Transport Assessment and Travel Plan were submitted with the application, which were considered to be satisfactory and the overall impact upon the traffic network is reasonable on the basis of a net reduction in parking on site.

3.90 The same stance is applied with respect to management of traffic during the demolition, construction and restoration phase. The existing car park to the northern end of the site, the manoeuvrability provided adjacent to the vehicular entrance and the driveway extending from Fulham Palace Road contribute to ensure that there will be a negligible perceived impact upon existing traffic movements. This is confirmed indicative of the fact that a CMP or CLP were not sought at application stage but instead applied as conditions of consent.

### Parking Provision

3.91 Policies DM J2 of the DM LP and Transport Policy 3 of the SPD relate to the provision of parking.

3.92 The subject site is located in PTAL 6b, with very close proximity to the District and Piccadilly lines at Hammersmith Station. In accordance with Policy DM J2, the following maximum parking generation rates apply for the various uses on the site:

- Significantly less than one space for each of the 10 residential units
- Two spaces for the café
- 31 spaces for the remaining use (priory, church and all other office, meeting and administration areas)

3.93 The proposal involves modifications to the existing car park, which will reduce the number of on-site parking spaces from about 27 to 12 but will retain three accessible car spaces. This is an acceptable approach in accordance with Transport Policy 3 and allows for sufficient parking for the various uses of the site in a PTAL 6b area.

3.94 The dimensions of the car spaces are compliant and allow easy access to the on-site facilities in accordance with Transport Policy 6.

3.95 Transport for London recommended the removal of the remaining car spaces. This is not supported by Council as a reduction in parking is a positive outcome although the removal of all parking is counterproductive given the variety of uses and likely age of residents on the site. It is considered best that the development retain some parking on site to accommodate more elderly (but not disabled) visitors and residents.

#### Cycle and Motorcycle Parking and Pedestrian Access

3.96 Chapter 6.19 of the London Plan, Policy DM J5 of DM LP and Transport Policy 12 of the SPD relate to alternative modes of transport, with a particular focus on the provision of cycle storage facilities.

3.97 In accordance with the above, three motorcycle spaces should be provided on the site. There is ample space on the site for this to occur and this forms part of the conditions for the application. See Condition 38.

3.98 A bicycle rack for 12 bikes is located along the eastern side of the priory and a further rack for eight bikes at the entrance to Talgarth Road. Four spaces will be undercover. The number and location of bicycle spaces is appropriate for the likely generation rates arising from the use of the site as a church, priory and café with ancillary meeting spaces.

3.99 The spaces are located where they are convenient and considered to be safe. The siting of the cycle parking is reasonable given the majority of the visitors or residents to the site are churchgoers, priests or those attending the café.

3.100 Pedestrian access to the site is significantly improved via both frontages with the opening up or removal of existing intrusive fences.

3.101 Officers consider that as the proposed development would represent a reduced traffic generation, better traffic management and more considered car-parking provision. The impact on the capacity of the highway network would not be unacceptable in this case.

## ENVIRONMENTAL

### Waste Storage and Servicing

3.102 Policy CC3 of the Core Strategy relates to waste management and indicates that developments should provide suitable waste and recycling storage facilities. This is reiterated in Policy DM H5 of DM LP and Sustainability Policies 3 and 6 of the SPD where adequate internal storage for each dwelling and external storage facilities is required. Sustainability Policy 5 recommends compost bins and Sustainability Policy 11 relates to the provision of sufficient waste storage for commercial properties.

3.103 Waste generation from the church, priory and ten residential units within the tower is likely to be relatively low. The introduction of a 75m<sup>2</sup> café with a 40m<sup>2</sup> area capable of being used for outdoor dining, however, will lead to additional waste generation, thus necessitating additional storage.

3.104 A 21m<sup>2</sup> refuse storage area is proposed along the north western boundary with the Transport Police Headquarters and adjacent to the main vehicular entrance to

the site. It is envisaged that it is sufficient to accommodate likely waste and recycling generation from all of the uses on the site. Furthermore, its location close to Fulham Palace Road allows for easy collection.

3.105 Conditions have been applied to ensure that each of the uses, especially the café, have provision for daily waste storage. This includes the provision of a compost bin for use by the café in accordance with SPD S5.

3.106 It is imperative that a composting facility be implemented within the proposed refuse area to accommodate food scraps from the cafe. See Condition 16.

#### Landscaping

3.107 Policy DM E4 seeks to improve biodiversity and green infrastructure via the maximisation and protection of front and rear gardens and increased soft landscaping and trees. This is reinforced in Design Policy 56 and Sustainability Policies 21 and 22 of the SPD.

3.108 There are no notable mature trees on the site that are worthy of implementing within the overall redevelopment of the site and the proposal involves the planting of upwards of 50 new trees on the site, with most concentrated within the existing car park on the north eastern side of the site. This covers 30% of the existing car park and represents a vast improvement in the landscape character, biodiversity and stormwater runoff management of the site.

3.109 In conclusion, the proposal is viewed as greening the borough in accordance with DE4 although a condition has been applied requiring details of species and pot size. The net landscaping outcome for the site is also fully supported in accordance with the above SPD policies.

#### Flooding, Drainage and SuDS

3.110 Policies 5.11-5.15 of the London Plan require development to comply with the flood risk assessment and management requirements, including the incorporation of sustainable urban drainage systems.

3.111 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 DM LP.

3.112 Sustainability Policies 2, 23 and 24 of SPD relate to sustainable drainage systems and green roofs respectively.

3.113 This site is in the Environment Agency's Flood zone 3. As required, a Flood Risk Assessment (FRA) has been submitted with the application. The proposal will retain the existing basement levels and the uses within both levels such that there is no new or increased flood risk associated with these spaces.

3.114 Council's Environmental Policy Officer notes that that 'The FRA notes that in relation to the proposed demolition and re-build works to the Church/Priory that the

remaining footprint from demolition will be returned to hardstanding landscaping. Permeable pavers have been considered and will be incorporated into the landscape design. Green roofs and additional planting (rain gardens) will help aid the volume and rate of surface water run-off generated on the site. Floor levels will remain as existing, which are raised and are accessible by steps/ramps. This provides a degree of flood protection. Electrical wiring and sockets will also be raised. In addition, I recommend that a non-return valve is installed to help protect against sewer surcharge flooding if this is not installed already.' Conditions have been applied.

3.115 Overall, the recommended mitigation measures outlined in the FRA are acceptable and their implementation would be conditioned.

3.116 The proposal includes the removal of 15 of the 27 existing car spaces in the northern area of the site, which will lead to a 30-35% increase in soft landscaping and a vast improvement in the level of green cover in this area of the site. This will aid in stormwater management across the site.

3.117 A Drainage Report has been included with the application. This notes new sanitary appliances comprising WC's, sinks and showers in addition to a new kitchen and café. In line with DH3, these should comprise water efficient fittings. The Drainage Report also refers to the inclusion of soakaways and swales/rain gardens to manage surface water, in addition to the measures referenced in the Flood Risk Assessment.

3.118 Water efficient fixtures and fittings should also be specified to help reduce water use and minimise foul water flows from the site. This forms part of the conditions of consent in Condition 20.

3.119 In conclusion, the proposal accords with Policies 5.12 and 5.13 of the London Plan 2011, Policy CC2 of the Core Strategy and Policy DM H3 of the DM LP.

## Contamination

3.120 Policy 5.21 of the London Plan, Policy CC4 of the Core Strategy and Policies DM H7 and H11 of DM LP state 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.

3.121 The Council's Environmental Quality Team has advised that potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, conditions 21-26 would be attached to any permission requiring the further investigation, assessment and remediation of contaminated land to be carried out.

## Air Quality

3.122 Policies 3.2, 5.3 and 7.14 of the London Plan, Policy H8 of DM LP and Amenity Policy 21 of the SPD all seek to reduce the potential adverse air quality impacts of new major developments by minimising exposure to poor air quality, reducing emissions and imposing mitigation measures.

3.123 The primary issue in this instance is threefold, being the partial removal of the existing wall to Talgarth Road allowing increased vehicle emissions to enter the site, the proximity of residential receivers in close proximity to the Hammersmith Flyover and other roads and emissions arising from the proposed development.

3.124 An Air Quality Assessment was undertaken by Redmore Environmental following concerns raised by Council. The report was widened to encompass all potential emission sources and the proposed mitigation to ensure the proposed development will be air quality neutral in accordance with London Plan Policy 7.14.

3.125 The application is considered to be acceptable for the following reasons or subject to the following measures:

- The bedrooms and living rooms of the residential units are orientated away from the main sources of poor air quality (Talgarth Road and Fulham Palace Road),
- The balconies are located on the south eastern end of the tower, which will be adequately screened from the aforementioned air sources
- Additional landscaping and trees are proposed within the carpark and within the roof areas of the tower development, which will further help absorb air pollution
- Additional ventilation for the proposed habitable rooms with facing Fulham Palace Road and Talgarth Road is required, with the fresh air intake located at the rear at roof level away from these air sources
- Conditions have also been applied in relation to ventilation, building emissions and construction and demolition, the latter in particular in order to control dust emissions

#### PLANNING OBLIGATIONS - COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.126 The Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. It would contribute towards the funding of Crossrail, and further details are available via the GLA website [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.

3.127 Hammersmith and Fulham's local CIL came into effect in September 2015 and is a material consideration to which regard must be had when determining this planning application. It is 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.

3.128 The applicant has sought an exemption from the payment of any levies on the basis of the charitable status of the church.

#### 5.0 LEGAL AGREEMENT

5.1 A legal agreement will have to be entered into with the Council in order to ensure the satisfactory completion of works on Council's highway, including but limited to entrances to Talgarth Road and Fulham Palace Road and a new vehicular entrance.

#### 5.0 CONCLUSION AND RECOMMENDATION

5.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, would preserve the setting of the conservation area would



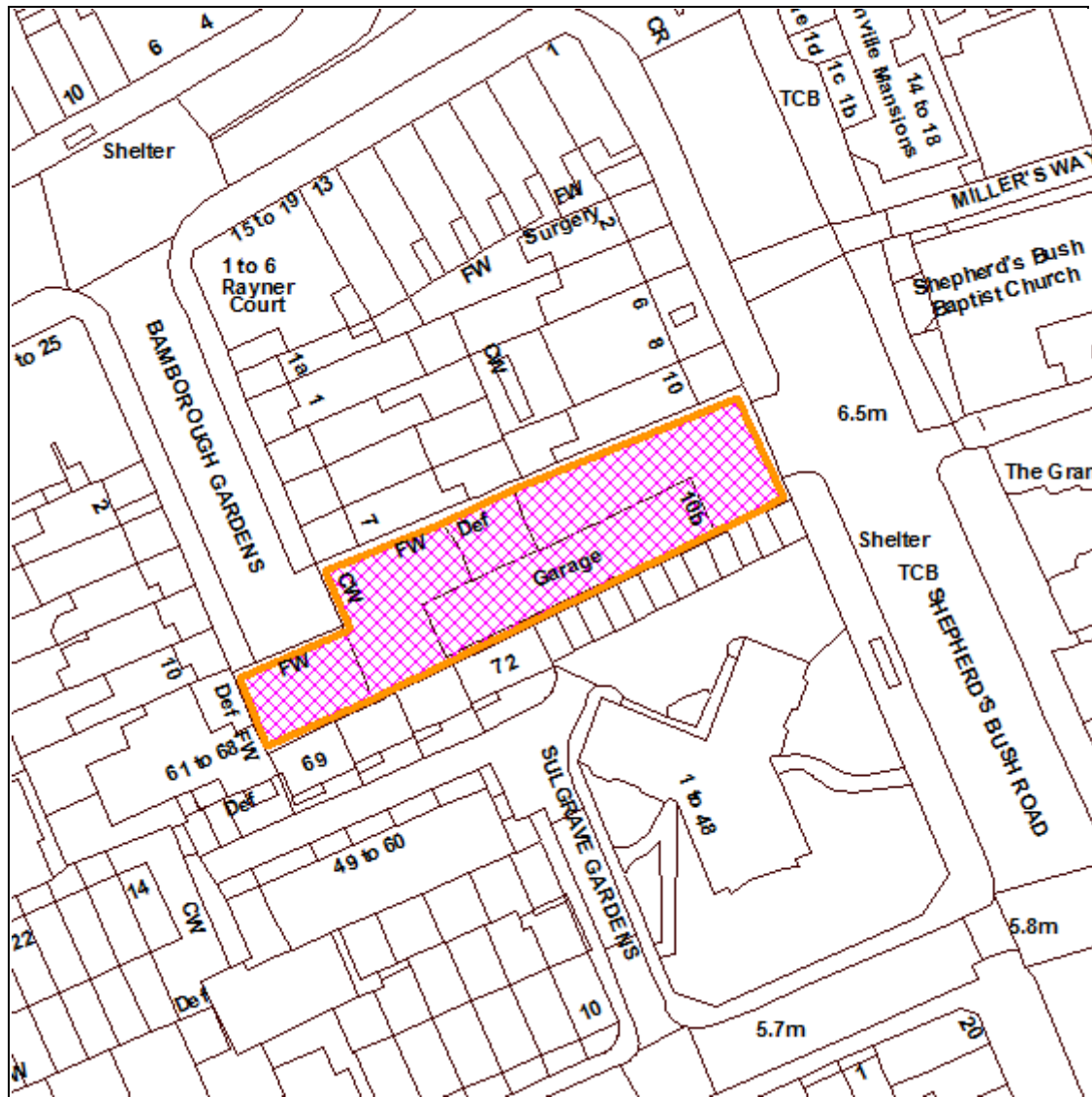
not cause significant harm to the amenity of neighbouring residents. It would contribute to additional office floor area and dwellings of an appropriate scale and mix.

5.2 Subject to the submission of further details which can be secured by condition, the proposal is supported. It is recommended that the application is approved subject to conditions.

**Ward:** Addison

**Site Address:**

Five Star Car Wash 10B Shepherd's Bush Road London W6 7PJ  
And W12 And W6 Motors Limited Bamborough Gardens London W12 8QN



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

**Reg. No:**  
2016/03271/FUL

**Case Officer:**  
Matthew Lawton

**Date Valid:**  
28.07.2016

**Conservation Area:**

**Committee Date:**  
14.12.2016

**Applicant:**

Lansdale Holdings NV  
c/o Rolfe Judd Planning Old Church Court Claylands Road London

**Description:**

Demolition of the carwash at 10B Shepherd's Bush Road and MOT garage in Bamborough Gardens and redevelopment of the site by the erection of a six storey building plus lower ground floor level fronting Shepherd's Bush Road linked by a three storey rear element to a four storey building plus lower ground floor level fronting Bamborough Gardens, comprising of 28 residential units (10 x 1 bed, 16 x 2 bed, 1 x 3 bed and 1 x 4 bed) and a 88 sq. m office (Use Class B1a) at basement level fronting Shepherd's Bush Road; Associated plant (including solar panels at roof level), cycle parking, refuse storage, landscaping and repositioned electrical substation; 2 x 4 bedroom, four storey town houses fronting Bamborough Gardens each with integral garages accommodating one car parking space.

Drg Nos: DMWR/A1/PL3-00109 Rev.E, 00110 Rev.E, 00111 Rev.C, 00112 Rev.B, 00113 Rev.B, 00114 Rev.B, 00115 Rev.C, 00116 Rev.A, 00200, 00201, 00202, 00300 Rev.B, 00301 Rev.A, 00302 Rev.A, 00303 Rev.A & 00500 Rev.B; DMWR/A3/PL3-00005; Sustainability Statement by Delta Green Rev.6 dated 6/7/16; Energy Assessment by Delta Green dated 1/7/16.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Lead 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 only in accordance with the following approved drawing Nos.:

DMWR/A3/PL3-00005; DMWR/A1/PL3-00109 Rev.E, 00110 Rev.E, 00111 Rev.C, 00112 Rev.B, 00113 Rev.B, 00114 Rev.B, 00115 Rev.C, 00116 Rev.A, 00200, 00201, 00202, 00300 Rev.B, 00301 Rev.A, 00302 Rev.A, 00303 Rev.A & 00500 Rev.B; Energy Assessment by Delta Green dated 1/7/16; Sustainability Statement by Delta Green Rev.6 dated 6/7/16.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.6, and 7.21 of the London Plan and

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

- 3) Prior to commencement of the works above ground hereby permitted, details of the hard and soft landscaping of all areas external to the building, including planting and paving, detailed drawings at a scale of not less than 1:20 of fences, gates and other means of enclosure shall have been submitted to and approved in writing by the Council, and the development shall not be used until such hard landscaping as is approved has been carried out. Any permeable hard surfacing shall use infiltration unless the ground conditions are identified to be unsuitable. Soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policies DM G7 and DM G1 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.

- 4) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition 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).

- 5) Prior to the commencement of the development hereby permitted, a Demolition Management Plan (including a Demolition Method Statement) 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 demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 6) Prior to the commencement of the development hereby permitted, 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,

provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. 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, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, 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 H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

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

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

- 9) The development shall not commence until detailed drawings of a typical bay on the front elevations of the new building in plan, section and elevation at a scale of no less than 1:20 are submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details.

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

- 10) The development shall not be occupied/used until full details of 51 (for the residential element) and 2 (for the commercial element) secure, covered cycle storage spaces have been submitted to, and approved in writing by, the Council. The details as approved shall be implemented prior to occupation/use of the development and thereafter be permanently retained for the lifetime of the development. The shower and changing facilities within the commercial unit as shown on drawing Ref.DMWR/A1/PL3-00109 Rev.E shall also be installed prior to the use of this unit and permanently retained thereafter for the lifetime of the development.

To ensure the suitable provision of cycle parking and associated facilities within the development to meet the needs of future site occupiers and users, in accordance with policies 6.9 and 6.13 of The London Plan 2016 and policy DM J5 of the Development Management Local Plan 2013.

- 11) With the exception of the terrace and balcony areas indicated on the approved drawings, no part of any other roof of the approved buildings shall be used as a terrace or other amenity space.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with policies DM H9 and DM A9 of the Development Management Local Plan 2013.

- 12) 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.

- 13) 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.

- 14) 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.

- 15) 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.

- 16) 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.

- 17) 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.

- 18) The development hereby permitted shall not commence until the full detailed design of the proposed green roofs, to include details of the substrate depth and confirmation of the attenuation volume provided, have been submitted to, and approved in writing, by the Council. The green roofs shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.

To ensure acceptable surface water management, 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.

- 19) The shall not commence before details at a scale no less than 1:20, including drawings in plan, section and elevation of the boundary treatments (including railings and gates) of the site have been submitted to, and approved in writing by, the Council. The development shall not be occupied or used until the details as approved have been fully carried out and shall be retained thereafter for the lifetime of the development.



To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policies DM G7 and DM G1 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.

- 20) The development shall not be occupied until a plan detailing boundary treatments which shall be at least 1.7m high between the lower ground floor amenity spaces has been submitted to, and approved in writing by, the Council. The amenity spaces shall be implemented in accordance with the plan approved prior to occupation of the development, and retained in this form thereafter.

To safeguard the amenities of occupiers of the development, in accordance with Policies DM A2 and DM A9 of the Development Management Local Plan 2013.

- 21) The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to, and approved in writing by, the Council. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 22) 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.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013.

- 23) The development hereby permitted shall not be occupied or used until full details of refuse storage and a Refuse Management Plan have been submitted to, and approved in writing by, the Council. The development shall not be occupied or used prior to the provision of the approved refuse storage and this shall be permanently retained, and thereafter the approved Refuse Management Plan shall be implemented.

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 Development Management Local Plan (2013).

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

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

- 25) No development shall commence until details and samples of the proposed fenestration, including opening style, 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 prior to occupation/use of the development.

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).

- 26) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the front elevations of the building hereby permitted.

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

- 27) No trees surrounding the site shall be topped, lopped, felled or wilfully destroyed without the prior approval in writing of the Council. Any works to Council owned trees necessitated by the development must be carried out by the Council's contractor at the applicant's expense, in accordance with BS 3998.

To ensure that the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with policy DM E4 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 28) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

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

- 29) 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 in writing by the council, in consultation with Thames Water. The drainage details shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.

To ensure acceptable surface and foul water management, 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.

- 30) 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, namely eg. living room and kitchen above and next to bedroom of separate dwelling. 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 DM H11 of the Development Management Local Plan.

- 31) Prior to commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the office accommodation from adjoining dwellings, including dwellings above. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  is enhanced by at least 15dB(A) above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain the community centre/office noise within those 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 hereby permitted and thereafter be permanently retained.

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

- 32) The office use shall not be permitted during the hours of 20:00 and 08:00 hours Mondays to Saturdays or between 19:00 and 09:00 hours on Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 33) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 34) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability Statement. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies DM G1, DM H2 of the Development

Management Local Plan 2013 and Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Core Strategy (2011) Policies BE1 and CC1.

- 35) The development hereby permitted shall not be occupied before implementation of the energy efficiency, low/zero carbon and renewable energy measures detailed in the submitted Energy Assessment. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies DM G1 and DM H1 of the Development Management Local Plan (2013), Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Core Strategy (2011) Policies BE1 and CC1.

- 36) The residential units hereby permitted shall not be occupied until details of screening along the southern edge of the larger terrace at fifth floor level shown on drawing No.DMWR/A1/PL3-00115 Rev.B, the southern edge of the balconies at first to fourth floor levels shown on drawing No.DMWR/A1/PL3-00301 and the western edge of the terrace to the western townhouse at third floor level shown on drawing No.DMWR/A1/PL3-00113 Rev.A which shall be at least 1.7m high above finished floor level have been submitted to, and approved in writing, by the Council. The screens shall be installed as approved prior to the occupation of the flats involved and maintained in this form thereafter.

To prevent harmful overlooking of the existing occupiers of neighbouring properties and a subsequent loss of privacy, in accordance with policies DM G3, DM A9 and DM H9 of the Development Management Local Plan (2013) and SPD Housing Policies 3 and 8 of Planning Guidance Supplementary Planning Document (2013) and Policy BE1 of the Core Strategy (2013).

- 37) The windows in the northern elevation at first floor level of the development hereby permitted and as annotated on drawing No.DMWR/A1/PL3-00303 shall be glazed with obscured glass and fixed shut below a height of 1.7 above finished floor level prior to occupation of the flats involved. The windows shall be permanently retained in this form thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with policies DM A9 and DM G3 of the Development Management Local Plan 2013, and SPD Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning 2013.

- 38) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) no extensions, alterations or other form of enlargement to the two dwellinghouses hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the buildings, the Council would wish to exercise future control over development which may affect residential amenity or the appearance of the

area, in accordance with policy DM G1 of the Development Management Local Plan (2013).

- 39) The office unit hereby permitted shall not be used or occupied until a Service and Delivery Management Plan has been submitted to, and approved in writing by, the Council. The plan shall specify the number of weekly deliveries and size of vehicles to be used, as well as the times for deliveries. The development shall only be used in accordance with the details approved in the Service Management Plan.

To ensure satisfactory provision for servicing and to prevent noise and disturbance to neighbouring residents, in accordance with policies DM J1 and DM H11 of the Development Management Local Plan 2013, and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document 2013.

- 40) The B1(a) office use hereby permitted shall only be used as an office and for no other purpose (including any other separate purpose in B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies DM H11 and DM J2 of the Development Management Local Plan (2013).

- 41) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to, and approved in writing, by the Council. The development shall not be used/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, and to prevent harm to the area/conservation area, in accordance with policies 5.3, 7.6 and 7.7 of The London Plan 2016, policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 42) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by, the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To ensure no detrimental impact upon underground sewerage utility infrastructure, in accordance with policy 5.13 of The London Plan 2015, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 43) Prior to commencement of the development, a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> 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 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 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 comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 44) Prior to the commencement of the development, details must be submitted to and agreed in writing by the council of the Ultra Low NO<sub>x</sub> Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired 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 installations do not meet this emissions standard it should 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, emissions certificates will need to 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 45) Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must 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 future residents 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 be submitted that the gas boiler units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014). The strategy shall include measures to minimise NO<sub>x</sub> and PM<sub>10</sub> emissions from the operational development, such as low levels of parking, Service and Delivery Vehicle Management, Electric charging facilities, and abatement technologies proposed. The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also

identify mitigation measures as appropriate to reduce on-site building and transport emissions to below GLA benchmark levels.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 46) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 47) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ 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 2013.

- 48) Prior to commencement 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 system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 49) The development hereby permitted shall not be occupied until a Travel Plan has been submitted to, and approved in writing by, the local planning authority. The

Travel Plan should ensure that residents of the development will be aware of the public transport and local facilities in the area, and to ensure that the impacts of servicing and delivery vehicles will be appropriately managed.

In the interests of the proper management of traffic and parking in the area, in accordance with policy DM J1 of the Development Management Local Plan 2013.

- 50) Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 51) No development shall commence until a risk assessment based on the Mayor's of London SPG 'The Control of Dust and Emissions during Construction and Demolition', July 2014 has been undertaken and the identified measures recommended for inclusion into a site specific Air Quality Dust Management Plan (AQDMP) that is submitted to and approved in writing by the Council. This AQDMP should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and Non Road Mobile Machinery (NRMM). Air quality monitoring of PM<sub>10</sub> and PM<sub>2.5</sub> should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality Alert and Threshold trigger levels. The assessment should consider residential receptors on-site and off-site of the development. Developers must 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), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 52) Prior to commencement of the development hereby approved details of any external artificial lighting shall be submitted to, and approved in writing by, the Council. Details shall demonstrate that the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes For The Reduction Of Light Pollution 2005' will be met with regard to glare, sky glow and illuminance of neighbouring facades. 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 policy DM H10 of the Development Management Local Plan (2013).



- 53) The development hereby approved shall be implemented only in accordance with the recommendations made by Quaife Woodlands dated 12 March 2015, and in accordance with BS5837:2012.

To ensure that all practical steps are taken to ensure the protection of trees, which contribute to the character and appearance of the adjacent conservation area, in accordance with policies DM E4 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 54) The proposed residential units hereby permitted shall be constructed to meet M4(2) Category 2: Accessible and adaptable dwellings, except for unit Nos.ALG001, A001 & A101 which shall be constructed to meet M4(3) Category 3: Wheelchair user dwellings of The Building Regulations 2010 'Access to and Use of buildings' (2015 edition) as shown on the drawings hereby approved; and shall so be permanently retained thereafter.

To ensure that the development provides accessible accommodation in accordance with policy H4 of the Core Strategy 2011, Policy 3.8 of The London Plan (2016) and Policy DM A4 of the Development Management Local Plan 2013.

- 55) The development hereby permitted shall not commence until the submission of a final Sustainable Drainage System (SuDS), including a maintenance programme for all sustainable drainage systems (including timeframes for the planned maintenance measures and confirmation of the maintenance provider), that provides comprehensive details of the sustainable drainage measures, including green and brown roofs, rainwater harvesting and permeable paving to be implemented on site including details of their attenuation capabilities, have been submitted to, and approved in writing by, the Council. The SuDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter be 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.

- 56) The development hereby permitted shall not commence until the submission of further details of the proposed flood mitigation measures have been submitted to, and approved in writing by, the Council. The flood mitigation measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter be permanently retained and maintained.

To ensure that the proposed flood mitigation measures are appropriate, 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.

- 57) The garages shall not be used for any purposes other than those incidental to the enjoyment of a residential property as such, and the garages shall not be used in connection with any trade or business.

Any other use of the garage(s) would be prejudicial to the amenities of the residential building(s) or the area generally, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013).

- 58) Prior to commencement of the development a comprehensive noise assessment shall be submitted to, and approved in writing by, the Council. This assessment shall include details of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room and external amenity noise standards in accordance with the criteria of BS8233:2014. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

1. Use: The development of the site for residential use is considered acceptable, in accordance with the National Planning Policy Framework (NPPF, 2012), London Plan (2016) policy 3.3, Core Strategy (2011) policies H1 and H4, and policies DM A1 and DM A3 of the Development Management Local Plan (2013). The density, housing mix, internal design and layout of the new residential units are considered acceptable having regard to London Plan (2016) policies 3.4, 3.5 and 3.8, Core Strategy (2011) policies H2, H3 and H4, policies DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered acceptable, judged against policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policies 1 and 3 of the Planning Guidance Supplementary Planning Document (2013). The affordable housing would be secured by a legal agreement. The replacement employment use would provide a modern high quality office facility, consistent with the objectives of Core Strategy policy CF1 (2011) and Policy DM D1 of the Development Management Local Plan (2013).

2. Design and Conservation: The proposed development would be a high quality development which would have regard to the pattern and grain of existing development in the area and make a positive contribution to the urban environment. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve the setting of the adjacent conservation area and would also preserve the setting of the buildings of merit and listed building on the eastern side of Shepherd's Bush Road. The development would therefore be acceptable in accordance with the NPPF (2012), Sections 62 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan (2016) policies 7.1, 7.2, 7.3, 7.4, 7.5,

7.6 and 7.8, Core Strategy policy BE1, policies DM G1 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 of the Planning Guidance Supplementary Planning Document (2013).

3. Impact on Neighbouring Residents: The impact of the proposed development upon adjoining occupiers is, on balance, considered acceptable with regards to noise and impacts on overlooking, sunlight, daylight and outlook. In this regard, the development as a whole would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policies DM G1, DM H9, DM H11 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2016) policy 7.3 and policy DM G1 of the Development Management Local Plan (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2016) policy 3.8, Core Strategy (2011) policy H4, policies DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance Supplementary Planning Document (2013).

5. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory car permit free dwellings, provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy policies T1 and CC3 (2011), policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance Supplementary Planning Document (2013).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by 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 Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

7. Energy and Sustainability: An Air Quality Assessment has been submitted with the application; low emissions boilers would be installed. An Energy Assessment has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. The proposal would be consistent with the Mayor of London's sustainable design objectives in accordance with Policies DM G1 and DM H1 of the Development Management Local Plan (2013), Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Core Strategy (2011) Policies BE1 and CC1.

8. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the sensitive residential and commercial uses. The proposed development therefore accords with Policy 5.21 of the

London Plan (2011), policy CC4 of the Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance Supplementary Planning Document (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: 18th July 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	25.10.16
Historic England London Region	03.08.16
Environment Agency - Planning Liaison	17.08.16
Thames Water - Development Control	03.08.16
Hammersmith And Fulham Disability Forum	27.10.16

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
1 Sulgrave Road Hammersmith W6 7RD	18.08.16
1 Sulgrave Road Hammersmith W6 7RD	18.08.16
NAG	24.08.16
159 Becklow Road London W12 9HH	15.08.16
5 Shepherd's Bush Road London w6 7na	26.08.16
152 The Grampians Hammersmith W6 7NB	09.08.16
67 Sulgrave Gardens London W6 7RA	25.08.16
2 Bamborough Gardens London W12 8QN	30.08.16
2 Bamborough Gardens London W12 8QN	26.08.16
169 The Grampians Shepherds Bush Road London W6 7NB	27.09.16
8 Bamrough Gardens London W12 8QN	30.08.16
41 Melrose Gardens London W6 7RN	30.08.16
44 Netherwood Road West Kensington London W14 0BJ	17.09.16
Granville Mansions Association 12, Granville Mansions W12	15.09.16

5 Loftus Road London W12 7EH

01.10.16

169 The Grampians Shepherds Bush Road London W6 7NB

30.09.16

## OFFICERS' REPORT

### 1.0 BACKGROUND

1.1 10B Shepherd's Bush Road is located at the northern end of the road approximately 80m south of Shepherd's Bush Green. It is occupied by a single storey car wash facility with an open ancillary forecourt area, located at the northern end of Shepherd's Bush Road. The rear of the site backs onto Bamborough Gardens, a primarily residential cul-de-sac. A single storey MOT garage is located at the southern end of Bamborough Gardens, adjacent to the rear of 10B Shepherd's Bush Road, and which forms the other part of the application site. The total site area is 0.12 hectares.

1.2 The site is within Shepherd's Bush Town Centre and the White City Opportunity Area, and the northern boundaries of the site are immediately adjacent to the southern boundary of the Shepherd's Bush Conservation Area. The buildings within the site are not listed, however Shepherd's Bush Baptist Church on the opposite side of Shepherd's Bush Road is a locally listed Building of Merit and The Grampians, to the immediate south of the Baptist Church, is a Grade II listed building. There are no trees on the site, however there is a street tree immediately in front of the MOT garage on Bamborough Gardens. The southernmost edges of the site are situated within the Environment Agency's flood risk zones 2 and 3, the majority of the site is located within zone 1.

1.3 The site has a public transport accessibility level (PTAL) of 6b, which is the highest category, meaning that the site has excellent accessibility. The site is located close to Shepherd's Bush, Shepherd's Bush Market and Goldhawk Road underground stations, Shepherd's Bush Overground station and numerous bus routes. The area in which the application site is located is mixed with commercial, retail and residential properties, of varying scale with primarily 3 and 4 storey buildings in close proximity to the site. The exceptions to these building heights are The Grampians, an 11 storey art deco primarily residential block on the opposite side of Shepherd's Bush Road, and the 8 storey residential block at 1-48 Sulgrave Gardens situated immediately to the south of the site (separated by some single storey garages within its curtilage), which is at a ground level 4m lower than the existing car wash. There are a wide range of local amenities in the surrounding area, particularly in and around Shepherd's Bush town centre. There are commercial units at ground floor level opposite the site at The Grampians and immediately adjacent to the north along Shepherd's Bush Road. Otherwise the immediately surrounding area is residential in nature, including at upper floors above the aforementioned commercial units.

1.4 The property to the northern boundary of the site fronting Shepherd's Bush Road is four storey properties in height with commercial at ground floor level with residential above. Fronting Bamborough Gardens to the north of the site are four storey (including lower ground floor) residential properties. The southern boundary of the site is marked by single storey garages adjacent to the Sulgrave Gardens 'Y' block towards Shepherd's Bush Road, with a new three storey residential development abutting the rear of the MOT garage. This new development also forms the western boundary of the site in Bamborough Gardens, a four storey building forming this corner of the cul-de-

sac, adjacent to four storey residential properties on the western side of Bamborough Gardens.

## Planning history

1.5 There are no planning records for the W12 and W6 Motors site in Bamborough Gardens.

1.6 10B Shepherd's Bush Road has been in use as a car service station for many years. There have been a variety of applications relating to structures and adverts on the site, and in 1963 planning permission was granted for the erection of a single storey building to be used for car washing purposes in association with the existing service station (Ref.1963/00653/FUL).

1.7 In 1980 outline permission was granted (but not subsequently pursued) for the erection of an office building of not more than 10,000sq.ft. and a block of flats providing three self-contained two bedroom units and five self-contained one bedroom units with car parking (Ref.1980/01628/OUT).

1.8 More recently, in December 2013 a planning application (Ref.2013/04132/FUL) was withdrawn, which sought consent for the demolition of the carwash on 10B and also the MOT garage in Bamborough Gardens; and redevelopment of a six storey building plus basement fronting Shepherd's Bush Road linked by a three storey rear element to a four storey building plus basement fronting Bamborough Gardens, comprising of 30 residential units (2 x studio, 10 x 1 bed, 15 x 2 bed and 3 x 3 bed) and a 72 sq.m office (Use Class B1) at ground floor level fronting Shepherd's Bush Road; associated plant (including solar panels at roof level), cycle parking, refuse storage, landscaping and repositioned electrical substation; 2 x 4 bedroom, four storey town houses fronting Bamborough Gardens with integral garages.

1.9 This application generated significant objection from local residents, with approximately 165 letters/emails of objection received and a petition of objection of approximately 772 signatures was also received. The primary grounds for objection were the wish to retain the car wash on site and retain the employment and service it provides.

1.10 In July 2014 application Ref.2014/03438/FUL sought planning permission for:

Demolition of carwash at 10B Shepherd's Bush Road and MOT garage in Bamborough Gardens; Redevelopment of the site by the erection of a six storey building plus basement fronting Shepherd's Bush Road linked by a three storey rear element to a four storey building plus basement fronting Bamborough Gardens, comprising of 29 residential units (2 x studio, 9 x 1 bed, 15 x 2 bed, 2 x 3 bed and 1 x 4 bed) and a 88 sq.m office (Use Class B1a) at basement level fronting Shepherd's Bush Road; Associated plant (including solar panels at roof level), cycle parking, refuse storage, landscaping and repositioned electrical substation; 2 x 4 bedroom, four storey town houses fronting Bamborough Gardens with integral garages.

1.11 In response to the public consultation 20 objections and 1 response in support were received. The objections related to the loss of the existing businesses, impacts on residential amenity, insufficient affordable housing, impact on the character of the area

and adjacent conservation area, design, density and parking impacts. The support stated that the proposal would bring multiple benefits to the street and adjacent area.

1.12 Planning permission was refused on 3rd November 2014 for the following reasons:

- 1) The proposed development would fail to maximise affordable housing provision, and therefore would fail to support the creation of a mixed and balanced community. The proposal is thereby considered to be contrary to the requirements of policy H2 of the Core Strategy (2011) and policies 3.11 and 3.12 of The London Plan (2011).
- 2) The proposed development would result in the loss of the existing employment uses and small businesses on site which meet existing local needs, and insufficient information has been submitted with the application in order to justify this loss in accordance with adopted policy. In this respect the proposal is considered contrary to Core Strategy (2011) Strategic Policy B and policy LE1, and policy DM B1 of the Development Management Local Plan (2013).
- 3) The proposed development is considered to be unacceptable on the grounds of residential amenity. More particularly the size, scale, height and bulk of the development in close proximity to neighbouring residential properties at 1-48 Sulgrave Gardens and 65-72 Sulgrave Gardens would harm the amenities of the occupiers of these properties by way of loss of daylight and outlook, resulting in an unneighbourly form of development which would adversely affect the quality of life of neighbouring residents. The proposal is therefore contrary to Development Management Local Plan (2013) policies DM G1 and DM A9, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).
- 4) The proposed development is considered unacceptable on the grounds of residential amenity. More particularly a considerable number of habitable room windows within the scheme would not receive acceptable levels of daylight, and it has not been demonstrated that the proposed units would receive acceptable levels of sunlight. Also the two proposed studio units would have unacceptable outlook as well as poor lighting conditions, and it has not been demonstrated that the proposed garden areas to the lower ground floor units and dwellinghouses would receive acceptable levels of sunlight. The amenity of future occupiers of the development would, therefore, be unacceptable. In this respect the development is considered to be contrary to Policy H3 of the Core Strategy (2011), policy DM A2 of the Development Management Local Plan (2013), and SPD Housing Policy 1 of the Planning Guidance Supplementary Planning Document (2013).
- 5) The proposed development is considered unacceptable on the grounds of accessibility. More particularly, the plans submitted fail to satisfactorily demonstrate that Lifetime Homes standards would be achieved. Furthermore, the application fails to demonstrate that wheelchair accessible housing would be provided. In this respect the proposal is considered contrary to Development Management Local Plan (2013) policy DM A4, policy H4 of the Core Strategy, Planning Guidance Supplementary Planning Document (2013) SPD Design Policies 1 and 2, and London Plan (2011) policies 3.8 and 7.2.
- 6) The proposal would have a harmful impact on an established, prominent and healthy street tree that offers high amenity value to the streetscene and helps to define the character and appearance of the Shepherd's Bush Conservation Area. On this

basis the proposal is considered to be contrary to the requirements of policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (2013).

1.13 The Council's decision to refuse planning permission was challenged at appeal. The Inspector's decision of 29th December 2015 dismissed the appeal. The only ground for dismissing the appeal was the level of affordable housing provision, the Inspector concluding:

'Neither the loss of the existing uses on the site, nor the effect on living conditions, would create grounds for the dismissal of the appeal, and it is recognised that the scheme would hold a number of benefits, including the more effective use of previously developed land, and the provision of dwellings to help meet the Government's objective to boost the supply of housing and deliver a wide choice of homes. However, the shortfall in the supply of affordable housing is a matter of sufficient weight to prevent the scheme amounting to the form of sustainable development, as defined in NPPF para 7, for which there is a presumption in favour. For this reason, the appeal is dismissed.'

#### Proposed development

1.14 The current application is very similar to the appeal scheme. The application proposes to demolish the existing buildings at Five Star Car Wash (10B Shepherd's Bush Road) and W12 And W6 Motors Limited (Bamborough Gardens, at the rear of the car wash site). Following demolition it is proposed to redevelop the site by the erection of a six storey building plus basement fronting Shepherd's Bush Road, linked by a three storey rear element to a four storey building plus basement fronting Bamborough Gardens at the rear of the site. Two four storey town houses fronting Bamborough Gardens are also proposed.

1.15 The proposed development would provide a mixed-use development. The residential element would comprise of 28 flats and 2 x 4 bed town houses. The flats would comprise a mixture of unit sizes as follows: 10 x 1 bed (33%), 16 x 2 bed (53%), 1 x 3 bed (3.25%) and 1 x 4 bed (3.25%). The 4 bed townhouses would comprise 6.5% of the residential development. The commercial element would comprise of an 88 sq.m office (Use Class B1a) at basement level fronting Shepherd's Bush Road.

1.16 Associated with the development would be plant (including solar panels at roof level), cycle parking, refuse storage, landscaping, and a repositioned electrical substation. Both proposed town houses would have integral garages.

1.17 The scheme would provide a total of 9 affordable housing units, equating to 30% of the units, comprising of:

- 6 affordable rented units - 1 x 3 bed (4 person), 4 x 2 bed (3 x 3 person + 1 x 4 person) and 1 x 1 bed (2 person)
- 3 intermediate units - 3 x 1 bed (2 person)

1.18 A lift is proposed within each of the two cores of the building containing the flats, serving the residential units on all floors, and 3 of the units (10%) would be provided as wheelchair accessible housing, with the remainder being accessible.

1.19 Twelve of the 28 flats (1 of which would be a duplex across the ground and lower ground floors) would be accessed from the Bamborough Gardens core and the other 16 flats (2 of which would be duplexes across the ground and lower ground floors) would be accessed from the Shepherd's Bush Road core. The townhouses would be



accessed from Bamborough Gardens. The office space would be accessed from the Shepherd's Bush Road core.

1.20 This current application differs primarily from the 2014 appeal scheme in so far as:

- The appeal scheme proposed a total of 6 affordable housing units offered as discounted market sale, equating to 19% of the units.
- The appeal scheme contained 2 x studio (6%, although a scheme was put forward for these units to be combined to provide an additional one-bedroom unit), 9 x 1 bed (29%), 15 x 2 bed (48%), 2 x 3 bed (6%) and 1 x 4 bed (3%), and 2 x 4 bed town houses (6%).
- The appeal scheme originally contained an additional flat (29 in total), although at appeal a proposal was put forward a scheme to merge the two studios into a duplex in the Bamborough Gardens block.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 Notification letters were sent to 889 neighbouring properties and site and press notices were posted. 7 objections were received from neighbouring residents (at 152 The Grampians, 1 Sulgrave Road, 159 Becklow Road, 5 Shepherd's Bush Road, 67 Sulgrave Gardens, 8 Bamborough Gardens and 5 Loftus Road) which raised the following issues:

- Area becoming homogenised in terms of building and inhabitants, need to retain a mix.
- Will lead to more noise and traffic due to more people.
- Insufficient affordable housing, should be providing 12 units with majority being social rented, affordable housing should reflect a range of unit sizes but all intermediate units are 1 bedroom, should be using existing use value to calculate viability which is Mayor's preferred method.
- Should be car permit free.
- Will result in loss of a street tree(s) in Bamborough Gardens unless foundations designed to avoid this, its loss would be detrimental to conservation area.
- Proposed building too tall, will block light in the evenings and views of trees.
- Buildings too tall for the terrace they adjoin, out of keeping with the conservation area.
- Will reduce outlook and result in a loss of light.
- Little difference from previous application which received huge objection.
- Dreary buildings are destroying the character of Shepherd's Bush.
- Will result in the loss of jobs from a thriving carwash.

2.2 Four responses in support have been received from neighbouring residents (at 2 & 8 Bamborough Gardens, 44 Netherwood Road and 41 Melrose Gardens) which raised the following issues:

- Improvement on current use in amenity terms.
- Benefit to residential amenity.
- Site access should be via Shepherd's Bush Road.

2.3 The Metropolitan Police Crime Prevention Design Advisor has been consulted, but has not responded.

2.4 The Environment Agency has raised no objection to the proposal.

2.5 Thames Water has recommended conditions relating to a drainage strategy and a piling method statement to be submitted for approval. Informatives have also been recommended.

2.6 Historic England has responded stating that they do not wish to comment on the application.

2.7 Transport for London (TfL) were consulted and responded with the following requests:

- Rearrangement of cycle storage in townhouses.
- Cycle storage and shower and changing facilities for the commercial element.
- That the development is car permit free.
- A travel plan including cycle hire and car club memberships.
- A delivery and servicing strategy.
- Construction management and logistics plans to be approved in consultation with TfL.

2.8 The Hammersmith Society have raised no objections in principle but have requested changes to the elevational detailing of the Bamborough Gardens frontage.

2.9 The Greenside Residents' Association have raised the following issues in objection:

- Loss of existing employment uses.
- Insufficient affordable housing.
- Out of scale and context with neighbouring development and detrimental to the conservation area and listed buildings.
- Huge objection to previous application to which is very similar and so community is not being listened to, no benefit to the local community or economy.

2.10 The Granville Mansions Association responded (including a 36 signature petition from its residents opposing the proposal on the basis that it does not comply with policy) raising the following issues in objection:

- Poor quality of accommodation proposed.
- Crossovers would be dangerous, development should be car free.
- Better architectural treatment on Bamborough Gardens needed.
- The link block should be reduced in height to improve amenity.
- Lack of communal open space.
- Insufficient affordable housing, lack of transparency with regards to viability.
- Loss of tree in Bamborough Gardens.

2.11 The Grampians' Freeholders have raised the following issues in objection:

- Insufficient affordable housing.
- Loss of existing popular employment uses.
- Poor quality of accommodation proposed.
- Loss of tree in Bamborough Gardens.
- Detrimental to adjacent conservation area and listed building The Grampians.
- Spoils townscape and blocks light from the west.
- The Grampians residents did not receive pre-application consultation from the developer as stated in the SCI.

2.12 The Hammersmith and Fulham Historic Buildings Group and The Fulham Society were consulted but have not commented.

2.13 The Grampians Residents' Association was consulted but has not commented.

2.14 The Sulgrave Gardens Leaseholders' Association and the Sulgrave Gardens Residents' Association were consulted but have not commented.

2.15 Officer response: Loss of specific views is not a material planning consideration. In relation to the pre-application consultation with The Grampians, Officers raised this issue with the Applicant who have stated that the leaflets were delivered to The Grampians and that it is regrettable if residents did not receive these. Residents of The Grampians have been consulted by the Council during the course of the consideration of this planning application.

2.16 The planning matters raised above are addressed in the report below.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues to be considered in the light of relevant national, regional and local policies and standards include the principle of development in land use terms; affordable housing; housing density, mix and impact on local services; the impact of the design, scale and appearance of the proposed new buildings and their impact on the setting of the Building of Merit and Listed Building on the opposite side of Shepherd's Bush Road and the adjacent Shepherd's Bush Conservation Area; the effect on the amenities of residents in the locality; the quality of the proposed residential units; highways impacts and parking; flood risk, contaminated land and energy and sustainability issues. Furthermore, Mayoral and Local CIL are material considerations to which regard must be had when determining the application.

3.2 The Inspector's decision on the refused application Ref.2014/03438/FUL is also a consideration in the assessment of this application, as the current scheme is very similar to the appeal scheme apart from the increase in the amount of affordable housing to address the reason for dismissal of the appeal. Despite this being the only issue the Inspector considered the scheme to be unacceptable on at appeal, this report will consider all elements of the current proposal.

#### LAND USE

3.3 The proposal is for the demolition of the existing single storey buildings. A car wash and MOT garage would be lost, and replaced with up to 6 storey high (plus basement) buildings, comprising 88 sq.m. of Class B1a office at lower ground floor level, 28 flats and 2 dwellinghouses.

#### Loss of existing use

3.4 The Council's Core Strategy Strategic Policy B states that unused or underused employment land may be permitted to change to alternative appropriate uses including residential or mixed use if there is no clear benefit to the economy in continued employment use. Policy LE1 of the Core Strategy seeks to support small and medium sized businesses, stating that it seeks to:

'retain(ing) premises capable of providing continued accommodation for local services or significant employment unless:

1. continued use would adversely impact on residential areas; or

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

3.5 Policy DM B1 of the DMLP seeks to provide accommodation for a range of employment uses., stating that 'The Council will support proposals for new employment uses and the retention and intensification of existing employment uses in accordance with the locational policies in Core Strategy Strategic Policy B and borough wide policy LE1'. With specific reference to the loss of existing employment uses, the policy relates back to CS policy LE1, stating:

'Where the loss of employment use is proposed in line with borough wide policy LE1 (sub para.3) the Council will have regard to:

- the suitability of the site or premises for continued employment use with or without adaptation;
  - evidence of unsuccessful marketing;
  - the need to avoid adverse impact on established clusters of employment use; and
  - the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations.
- The mixed use enhancement of employment sites will be considered acceptable where these are under-utilised, subject to the satisfactory retention or replacement of employment uses in the scheme where this continues to be appropriate.'

3.6 The previous (appealed) application, Ref.2014/03438/FUL, was refused planning permission on land use grounds. The reason for refusal stating:

'The proposed development would result in the loss of the existing employment uses and small businesses on site which meet existing local needs, and insufficient information has been submitted with the application in order to justify this loss in accordance with adopted policy. In this respect the proposal is considered contrary to Core Strategy (2011) Strategic Policy B and policy LE1, and policy DM B1 of the Development Management Local Plan (2013).'

3.7 In the Inspector's appeal decision, however, this reason for refusal was not upheld. With regard to this issue the Inspector stated the following:

'There is no dispute between the parties that the new office space within the development would provide as many or more jobs as the existing garage and car wash, and the Council confirmed at the Hearing that they were not seeking to retain a certain type of employment. Rather, the concern is the loss of the existing facilities, and in particular the car wash, which has been on the site for many years.

CS Policies LE1 and B1 look to retain premises capable of accommodating local services, and the Council note that there are a limited range of sites available for a car wash, whereas offices and residential could have many alternative locations. However, the present vehicle based uses are, by their nature, footloose, and do not require the high level of accessibility to public transport enjoyed by the site. Nor is there clear evidence of a shortage of such facilities, with attention drawn to a range of car washing or valeting operations in the wider area, including two within 1km, and a selection of

MOT garages. There is also an indication that there has been declining demand for the car washing business in this case, with a greater reliance on subsidiary functions, such as parking and tyre sales. Overall, the evidence falls short of proving that the customer base is so local, or the facility so essential, as to require permanent retention in this location. It is noted that CS Policy B supports offices and a mixed use approach in the White City Opportunity Area.

The extensive nature of the present operation is out of keeping with its locality, which is otherwise high density, urban development. There is a need, expressed in the core principles of the National Planning Policy Framework (NPPF), to make effective use of previously developed land. The appeal proposal would meet this objective, whilst providing a supply of housing and employment opportunities. It is not clearly contrary to the identified development plan policies, and there is not a substantial case that the loss of the existing employment uses would have an unduly harmful effect.'

3.8 The primary ground for objection to the withdrawn application (and the aim of the petition against the development proposal received then) was to concern over the loss of the car wash, and the employment and service it provided. The Inspector's view was that the proposal was appropriate in land use terms and that the current employment uses are 'out of keeping with its locality' and that the proposal was not clearly contrary to policies LE1 and DM B1. All four of the responses in support of the current application mention the benefit to residential amenity versus the current uses on the site, with two of these responses from residents of Bamborough Gardens and responses from Netherwood Road and Melrose Gardens nearby.

3.9 The applicant has submitted with this current application the Employment Report which was submitted at appeal to support their case, along with a letter from the current leaseholder of the car wash stating that they have no objection to the proposed redevelopment of the site, and that they are a struggling business. The applicant has also stated that the existing leases for the two existing businesses expire in June 2018, that they have had detailed discussions with the tenants to ensure that they are given sufficient notice and are not unduly inconvenienced by their relocation from the site and that these discussions will continue until the end of their leases. The proposed office floorspace would provide 8 full time jobs, a net increase of 1 job versus the existing situation. With regard to the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations, it is acknowledged that there are several garages, some of which provide MOT facilities in the area. The Inspector considered that there was a range of car washing or valeting operations in the wider area, including two within 1km (in the car parks of Westfield London and Hammersmith Tesco), and that by the nature of the uses they are 'footloose'.

3.10 Policy DM B1 states that 'The mixed use enhancement of employment sites will be considered acceptable where these are under-utilised, subject to the satisfactory retention or replacement of employment uses in the scheme where this continues to be appropriate'. The replacement employment use is proposed as part of the mixed use redevelopment of the site, and the Inspector considered the almost identical appeal scheme to make effective use of previously developed land in accordance with the NPPF.

3.11 Based on the Inspector's consideration of the appeal scheme, the proposed loss of the existing employment uses and small businesses on site could only be considered

not to be contrary to Core Strategy Strategic Policy B and policy LE1, or policy DM B1 of the DMLP, and would be in accordance with the aims of the NPPF with regards to the effective use of previously developed land.

3.12 Regarding the proposed residential and office uses, their potential impact on residential amenity would need to be considered with regards to adopted local policy, including any possible environmental nuisance against Development Management Local Plan policies DM H9 and DM H11. These will be considered further below under Environmental Nuisance.

#### Proposed residential accommodation

3.13 The Council's Core Strategy supports applications for residential accommodation as part of mixed use development schemes within the White City Opportunity Area. However, all applications will need to demonstrate satisfactorily that the proposals meet planning policies with regard to mix, affordability, density and design.

3.14 The site is located within the White City Opportunity Area and the related policy for the area, Core Strategy policy WCOA, encourages the provision of new housing and employment uses. Core Strategy Policy B also supports offices and a mixed use approach in the White City Opportunity Area.

3.15 This application proposes the 30 new residential units in the form of 2 dwellinghouses (market sale) and 28 flats (19 market sale, 6 affordable rented and 3 shared ownership). The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. London Plan Policy 3.3B states that an annual average of 42,000 net additional homes should be delivered, and Table 3.1 sets an annual target of 1,031 for LBHF. Policy DM A1 of the DM LP 2013 states that 'The Council will seek to exceed the London Plan housing target by seeking housing on both identified and windfall sites and as a result of change of use'.

3.16 This proposal for 30 dwellings would result in the increase of housing supply across the borough. The new residential use would be compatible with the existing residential and commercial uses in the vicinity of the site and the mix of uses proposed as part of this development. As such no objection is raised to the principle of the residential use. The number of proposed units means that it is necessary to examine and consider how the scheme can provide affordable housing, in accordance with Council and London Plan policies. This is examined below.

#### Affordable Housing

3.17 London Plan Policy 3.13 states that 'Boroughs should normally require affordable housing provision on a site which has the capacity to provide 10 or more homes'; which is the case here. Policy 3.12 of the Mayor's London Plan states that 'the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to the current and future requirements for affordable housing at local and regional levels; adopted affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the individual circumstances of the site'. The London Plan goes on to say that 'the Mayor wishes to encourage, not

restrain overall residential development. Boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis. Boroughs should take into account economic viability and the most effective use of public and private investment, including the use of developer contributions. Development appraisals should be provided to demonstrate that the scheme maximises affordable housing output'.

3.18 London Plan policy 3.10 (Definition of Affordable Housing) defines affordable housing as social rented, affordable rented and intermediate housing (see para 3.61), provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

3.19 London Plan Policy 3.11 (Affordable Housing Targets) of The London Plan sets a London wide affordable housing target of at least 17,000 more affordable homes per year. The policy advises that 60% of new affordable housing should be provided for social and affordable rent and 40% for intermediate rent or sale, with priority accorded to the provision of affordable family housing. The second part of policy 3.11 relates to the establishment of borough level affordable housing targets through LDF preparation, which should take account of a range of considerations that include the strategic target and local circumstances.

3.20 Core Strategy policy H2 states that there is a borough-wide target that at least 40% of new housing should be affordable, with the preference for intermediate and affordable rented housing highlighted in the supporting text, and the Council will take into account the financial viability and individual site circumstances when negotiating the appropriate mix of affordable housing within a scheme.

3.21 The earlier withdrawn scheme proposed 12.5% (4 units) intermediate affordable housing, and the appeal scheme proposed 19% (6 units). The appeal scheme proposed its 6 affordable housing units as 2 x studio, 2 x 1 bed and 2 x 2 bed units, which were offered as Discounted Market Sale (intermediate affordable housing). The Inspector concluded at appeal in this regard that:

'CS Policy H2, and London Plan Policies 3.11 and 3.12, set objectives for the supply of affordable housing and the offer of 6 units would fall short of achieving an acceptable level. The evidence does not prove that a larger commitment would endanger the financial viability of the scheme.'

3.22 The Inspector did not, however, object to the alternative use method used to assess the financial viability of the affordable housing proposed (and this method was also used in the current application), which was objected to by third parties at the appeal hearing, stating:

'Third parties at the Hearing drew attention to the preference for existing use value as the basis for viability calculations, in the Mayor's Housing SPG. This point is noted. However, there is also a body of opinion, including the guidance in the RICS "Financial Viability in Planning", which recognises that other methods may be appropriate. The methodology of the SPG is not obligatory and, as the main parties were in agreement on this point, there was no clear reason to require an alternative assessment. However, it is also the case that the relatively low existing use value in the present case would be

likely to encourage rather than restrain development, which would help to meet the objectives of London Plan Policy 3.12.'

3.23 The current planning application proposes affordable housing in the form of 6 affordable rented and 3 shared ownership units which would represent 30% of the proposed residential units. The Hammersmith & Fulham Housing Market Assessment identifies 3,200 households which are in need or will be in need of social/affordable rented housing over the next ten years. This mix of units would provide 66.6% of the affordable housing as affordable rented and 33.3% as intermediate sale, generally in line with the aims of London Plan Policy 3.11 which seeks 60% social and affordable rent and 40% for intermediate rent or sale.

3.24 A viability assessment has been submitted with the current application, which has been analysed by external consultants on behalf of the Council. The affordable units would be as follows:

Affordable rented

- 1 x 3 bed (4p) - Unit ALG003
- 3 x 2 bed (3p, wheelchair standard) - Units ALG001, A001 & A101
- 1 x 2 bed (4p) - Unit A003
- 1 x 1 bed (2p) - Unit A002

Shared ownership

- 3 x 1 bed (2p) - Units A102, A103 & A202

3.25 Therefore one of the proposed affordable rented units would be family sized. All of the units identified are located in the Bamborough Gardens core, a duplex over the lower ground and ground floor, two at lower ground floor, two at ground floor, three at first floor and one at second floor level.

3.26 Given the importance of ensuring delivery and bringing forward new housing in suitable locations in accordance with the NPPF, viability is an important consideration. In this case the proportion of affordable housing would fall below the level sought by Core Strategy Policy H2. The policy highlights that the Council will consider 'financial viability, having regard to the individual circumstances of the site, the availability of public subsidy and the need to encourage rather than restrain residential development; the affordability and profile of local housing; the scope for achieving a more mixed and balanced community in the borough, or in an area where there are existing concentrations of social rented housing'.

3.27 The applicant's viability assessment has been considered by a third party on behalf of the Council. The conclusion of the third party's analysis is that the alternative use value approach used in the submitted viability assessment is appropriate in this instance and that the proposed 30% affordable housing is the maximum the scheme could reasonably provide.

3.28 In Officers' view the proposal would positively contribute to affordable housing targets and can be supported by the Core Strategy policies H1 and H2 of the Core Strategy (2011) and policies 3.11 and 3.12 of The London Plan (2011).



## Housing Mix and Density

3.29 The mix of housing proposed would be considered against Core Strategy policy H4, and Development Management Local Plan (DMLP) policy DM A3. Policy DM A3 of the DMLP states that developments should aim to meet the following mix, but that this can be based on a 'site by site basis' having regard to viability, locational characteristics and site constraints. A mix of types and sizes of units would be required, particularly family housing.

3.30 For affordable rented the aim is for 10% of units to be 1 bedroom, 40% of units to be 2 bedroom, 35% of units to be 3 bedroom and 15% of units to be 4 bedroom or larger. In this proposal there would be 16.3% 1 bed, 66.6% 2 bed and 16.3% 3 bed. The proposal would provide a mix of affordable rented units, including a 3 bed flat, though there would be no 4 bed affordable rent units. For intermediate housing the policy says that there should be an approximate mix of 50% 1 beds, 35% 2 beds, 35% 3 beds and 15% 4 beds or larger. In this case all of the intermediate flats (shared ownership ) would be 1 beds; however given the low number (there would only be three of them) it is more difficult to spread them across different unit sizes. For market housing the policy says that a mix of units sizes, including larger family units is the aim.

3.31 The proposal includes 4 family units (3 bedroom or more) across the affordable rented and market tenures, which equates to 13.3% of the units. Initially the scheme proposed 2 x 3 bed and 3 x 2 bed affordable rented units, but a bedroom space was lost during the course of the application in order to ensure that the proposed units provided adequate floorspace for accessibility requirements. This change was considered acceptable on balance, and it is noted that there was an attempt to be closer to the unit mix targets when the application was submitted. The proposed mix of affordable rented and shared ownership units do not strictly meet the mixes outlined in policy DM A3, but these are aims and are not mandatory requirements. No objection is raised to the proposed mix of affordable and market units or to the provision of family units in this instance based on the locational characteristics and site constraints, and therefore the proposed mix of housing is considered to be acceptable in accordance with Core Strategy policy H4 and policy DM A3 of the DMLP 2013.

3.32 With regard to the proposed density, policy 3.4 of The London Plan and Core Strategy policy H3 are relevant. London Plan policy 3.4 states that boroughs should ensure that development proposals achieve 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. The site has a PTAL of 6b and the setting for the site is considered to be urban, giving an indicative appropriate density range of 200-700 habitable rooms per hectare. The density of the proposal would be 777hr/ha. The density figure is slightly in excess of the top end of the generally permissible range, but given the location of the site within both the designated town centre and opportunity area, and the fact that this is a highly accessible site, it is considered that this density is acceptable in this instance.

3.33 The proposal is situated in an area of excellent public transport accessibility (PTAL 6b), would have no on-site car parking (with the exception of the dwellings' integral garages) and would be 'car permit free', which would mean that the development would be unlikely to result in additional material parking pressure or trip generation to and from the site from residents/visitors. For these reasons it is considered that the development would optimise the site's potential and so the

proposed density is acceptable, in accordance with policy 3.4 of The London Plan and DM LP Policy DM A2.

## DESIGN and CONSERVATION

3.34 Among the core planning principles of the NPPF are that development always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The NPPF (Conserving and Enhancing the Historic Environment) states that 'In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'. The NPPF goes on to state that 'Local planning authorities should also look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance'. It says that 'Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. Paragraph 129 of the NPPF requires planning authorities to assess impact on the setting of heritage assets.

3.35 London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 require all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability, and accessibility of the surrounding neighbourhood.

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

3.37 Policy DM G1 (Design of New Build) of the DMLP 2013 seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. It states that:

'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.'

3.38 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'.

3.39 This scheme has principal elevations onto Shepherd's Bush Road and Bamborough Gardens. It also has a southerly elevation onto Sulgrave Gardens which is partially visible from Shepherd's Bush Road and Sulgrave Gardens. The site is not in a conservation area but it borders Shepherd's Bush Conservation Area, and is opposite the listed Grampians and Shepherd's Bush Church which is a Building of Merit on the local list.

3.40 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and conservation areas required by the relevant legislation, particularly the Section 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements set out in the NPPF.

3.41 A statutory duty in section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

3.42 Section 72 of the above 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 shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.43 Although the site is not within a conservation area, it is directly adjacent to a conservation area and within the setting of both a locally listed and a statutorily listed building. In this regard Policy DM G7 of the Development Management Local Plan states that 'Development should preserve the setting of, make a positive contribution to, or better reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within its setting'.

### Shepherds Bush Road elevation (east elevation)

3.44 The most prominent façade is that fronting onto Shepherd's Bush Road. This elevation will be six storeys high plus basement, and the top floor is recessed from the principal and southern elevations. The building scale and mass on this elevation is considered to be acceptable as it responds well to the buildings it sits between, the 4 storey neighbouring terrace to its north and the 8 storey Sulgrave Gardens tower to its south. The proposal is also considered to respond well to the even greater scale of The Grampians, which is diagonally opposite on Shepherd's Bush Road. Recessing the top floor ensures that the buildings mass does not dominate its lower neighbours.

3.45 Visual devices have been used to break up the width of the façade to relate more clearly to the finer grain of development in the adjacent terrace 2-10 Shepherds Bush Road. The principal street elevation is visually split into 3 bays by setting 2 recessed channels into the brick façade. Windows are stacked above one another to give further emphasis to the feeling of narrow grain. In order to break up the width of the façade the fenestration pattern of the most northerly of the three bays is arranged in a different pattern to the rest of the façade.

3.46 Brick is used as the principal elevational material to reflect its wide use in the vicinity. Reconstituted Stone is used to highlight window heads, cills and a coping at the top of the parapet. Ribbed zinc cladding is used sparingly in the façade as a highlight feature material in 3 window bays and the residential entrance canopy. The ribbed zinc is also the cladding material for the recessed top floor which provides the building with a definite 'top' distinct, but is complimentary to the rest of the building. Recessed balconies add depth, shadow and further visual interest to the large façade.

### Two dwellinghouses on Bamborough Gardens (north elevation)

3.47 At 4 storeys, the terrace of 2 houses achieves an appropriate urban scale which is very similar in height to the 3 storey plus basement, Victorian terraced houses in the street (which fall within the conservation area adjacent to the site). To integrate the houses into the context of the street the elevations are in brick with reconstituted Stone window heads and cills and a stone coping on top of the parapet. An almost full height vertical channel helps to divide the façade into two bays to reflect the historic urban grain of narrow frontaged terraced properties in the street. The pair of houses will terminate the view into the street from Goldhawk Road in a way which will enhance the character of the adjacent conservation area from which they will be viewed.

### Bamborough Gardens (west elevation)

3.48 The proposed 4 storey apartment building adjoins the existing terrace of 3 storey (plus basement) Victorian terraced housing on the eastern side of Bamborough Road. The new block would be taller by the depth of a parapet. The fine grained, narrow frontaged rhythm of the existing terrace will be reflected upon in the elevation of the new block. A recessed channel runs from the ground floor to the stone string course at parapet level and helps to split the frontage into 2 bays. Brick facades and the use of reconstituted stone in window heads will also help to integrate the development with the adjacent Victorian architecture in the conservation area.

## Southern elevation

3.49 The most visible part of the southern side of the development is the southern elevation of the 6 storey block. This will be partially visible in views from Shepherd's Bush Road at close proximity, but in longer views the elevation will largely be hidden by the taller Sulgrave Gardens building to the south. Windows in this façade would overlook neighbouring properties, therefore recessed panels are set into the wall in order to provide some relief, shadow, and depth to the primary brick elevation. Narrow windows have been incorporated which look into a deep set recess within the elevation. Other sections of the façade of the southern side of the building will not be prominent as they are set back within the site and are much lower in height.

3.50 A detailed drawing has been provided showing that the window reveals would be 200mm deep and brick lined proper drips to prevent façade staining, which would be acceptable. Details of all materials including fenestration will be secured by condition 8.

3.51 The proposal is considered to respond well to the scale, mass and grain of the surrounding historical context, and the rhythm of prevailing frontages. It would be considered to have an acceptable impact upon the setting of the locally listed buildings located opposite on the eastern side of Shepherd's Bush Road. Officers consider that the proposal would preserve the setting of the adjacent conservation area and would also preserve the setting of the nearby listed building The Grampians. The proposal complies with London Plan policies 7.1, 7.2, 7.4, 7.5 and 7.6, Core Strategy policy BE1 and Development Management Local Plan policies DM G1 and DM G7. The proposal is also compliant with the NPPF; and the statutory tests.

## IMPACT ON NEIGHBOURS

3.52 The proposed scheme is in close proximity to existing residential uses, in particular at 10 Shepherd's Bush Road, 7 Bamborough Gardens, and the established and recent residential developments to the south at Sulgrave Gardens, including the 'Y' shaped building (1-48), and therefore impacts on residential amenity will need to be carefully considered. Development Management Local Plan policies DM A9 and DM G1, and Planning Guidance SPD Housing Policy 8 are relevant to this issue.

## Outlook

3.53 Criterion 1 of Housing Policy 8 of the SPD aims to safeguard against overbearing and over-dominating development and states that '...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'.

3.54 This criterion is generally intended to relate to rear site boundaries, in order to ensure acceptable back-to-back relationships between developments. In this instance, as the site of 10B Shepherd's Bush Road is the depth of the adjacent two streets, there is no traditional back-to back relationship on this part of the site. The proposed

dwellinghouses in Bamborough Gardens would back on to the blank rear wall of part of the recent Sulgrave Gardens development (Nos.61-64), extending a storey higher than this adjacent block. The Bamborough Gardens block of flats proposed would also be side on to this blank wall and would be a storey higher. These relationships are considered to be acceptable given the distances from opposing residential windows and the adjacent existing buildings.

3.55 With regards to the impact on outlook, when considering the appeal scheme the Inspector stated the following:

'There is a concern (by the Council's Officers) that the development would have an oppressive effect on the view from adjacent parts of the housing at 1-48 and 65-72 Sulgrave Gardens. In the latter case, the present single storey garage building would be replaced by a four storey block, so as to have some effect on the outlook of the immediately adjoining flats. However, the new building would be set away from the common boundary, and back from the road, so as to minimise this effect, and the wall would only be visible in oblique views from the affected rooms, which are also served by a second window. With respect to Nos 1-48, the worst case would be a ground floor area which has an expired planning permission for a caretaker's flat. However, both this and the flats on the upper levels are set at an angle to the boundary, to lengthen the direct view from the windows, and the new blocks would neither be so bulky nor extended as to have an excessively overbearing impact.'

3.56 When considering his conclusion on the amenity impacts of the development, the Inspector stated:

'Taken altogether, the development would have some effect on its surroundings, and on the quality of the new dwellings. However, it is accepted that, in an intensively developed town centre location, some compromise is likely to be necessary...Having regard to the provisions of the Council's Planning Guidance SPD, and DM Policies A9 and G1, there are adequate grounds to consider that the development would not have an unduly detrimental effect on the living conditions of future occupants and neighbouring residents.'

3.57 The Inspector's comments on the appeal scheme directly addressed Officers' two areas of concern with regards to outlook, namely the relationship with the recent Sulgrave Gardens development (Nos.65-72) in Bamborough Gardens and the adjacent tower to the south at 1-49 Sulgrave Gardens. The Inspector's comments are clear that in this location and given the existing site constraints he considered the development to be acceptable in terms of its impact upon outlook from neighbouring residential properties. There are no substantial differences between the appeal scheme and the current application in terms of its impact on outlook. It is therefore considered that the proposed development would not have an unacceptably detrimental impact on residential amenity in this regard, and it is considered that the proposed development would be acceptable in terms of outlook and in line with the aims of Development Management Local Plan policies DM A9 and DM G1.

#### Daylight and Sunlight

3.58 In relation to light, the proposal should have regard to the Building Research Establishment's (BRE) report 'Site layout and planning: A guide to good practice'.

3.59 With regards to the impact on daylight, when considering the appeal scheme the Inspector stated the following:

'1-48 Sulgrave Gardens would potentially be affected by a reduction in daylight, the appellants' evidence indicating that two bedrooms would not comply with BRE guidelines concerning the loss of vertical sky component (VSC). However, the loss would be relatively minor (0.7 against a target of 0.8) and the BRE recognises that bedrooms have a diminished need for daylight.'

3.60 With regards to the impact on sunlight, when considering the appeal scheme the Inspector stated the following:

'The development would not materially affect access to sunlight within surrounding buildings, although there would be some impact on immediately adjoining gardens'

3.61 As previously stated, when considering his conclusion on the amenity impacts of the development, the Inspector stated:

'Taken altogether, the development would have some effect on its surroundings, and on the quality of the new dwellings. However, it is accepted that, in an intensively developed town centre location, some compromise is likely to be necessary...Having regard to the provisions of the Council's Planning Guidance SPD, and DM Policies A9 and G1, there are adequate grounds to consider that the development would not have an unduly detrimental effect on the living conditions of future occupants and neighbouring residents'

3.62 The applicants have submitted a daylight and sunlight report with the application, which is the same as that submitted with the appeal scheme which the Inspector considered. The Council previously raised concerns regarding the impact of the development upon daylight to the lower three floors of 1-48 Sulgrave Gardens. The Inspector's comments on the appeal scheme directly addressed the Council's area of concern with regards to daylight, the relationship with 1-48 Sulgrave Gardens development, and considered that the impact was not unacceptably detrimental in the context of the proposed scheme.

3.63 The proposed development is located to the north of adjacent properties in Sulgrave Gardens and so would not restrict sunlight to these properties. Although the proposal is to the south of adjacent properties in Bamborough Gardens and Shepherd's Bush Road, the development is set against the taller Sulgrave Gardens 'Y' shaped building to the south. Four windows serving three neighbouring properties (a flat in 49-68 Sulgrave Gardens, 7 Bamborough Gardens and 10 Shepherd's Bush Road) would have annual probable sunlight hours (APSH) losses of over 20% as a result of the proposed development, and of these two windows would have resultant winter APSH of less than 5% and one would have a resultant annual APSH of less than 25% (this latter window having an existing value of less than 25%). However these windows do not have a reduction in sunlight over the whole year of greater than 4% of APSH and would therefore meet BRE standards. The proposed development is therefore considered to have an acceptable impact upon sunlight to neighbouring residential properties, Officers raising no objection to this at appeal and the Inspector agreeing with its assessment in this regard.

3.64 With regards to overshadowing, Officers previously raised concerns regarding the impact of the development upon the rear gardens of 10 Shepherd's Bush Road and 7 Bamborough Gardens, and the front garden of 8 Bamborough Gardens. The Inspector acknowledged that there would be impact on the adjoining gardens but considered that on balance such impacts were acceptable when balanced against the other impacts of the scheme and the site's constraints and character.

3.65 It is therefore considered, on the basis of the Inspector's decision on the appeal scheme, that the proposal would not have an unacceptably detrimental impact in terms of its impact upon daylight, sunlight and overshadowing, and would therefore be in line with the requirements of Development Management policies DM G1 and DM A9, and would not have an unacceptably detrimental impact upon the amenities of neighbouring occupiers.

### Privacy

3.66 Criterion 2 of Planning Guidance SPD Housing Policy 8 states that 'New windows should normally be positioned so that the distance to any residential windows is not less than 18m as measured by an arc of 60 degrees taken from the centre of the proposed new window. If this standard cannot be met then windows should be designed to ensure that no loss of privacy occurs. A roof terrace can cause considerable loss of privacy dependent on its size and location. Generally, a roof terrace / balcony is unacceptable if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/ balcony'.

3.67 All but four of the proposed units have been designed to be dual aspect and to look onto the street or the proposed amenity space. Windows have been positioned and designed so that those which do not meet the distance criteria set out in Criterion 2 would not result in a loss of privacy to neighbouring occupiers utilising obscure glazing and high level windows in order to achieve this, these windows are located in the northern elevation of the rear elements of the two flat blocks proposed.

3.68 Windows which do not have mitigation measures and do not comply with Criterion 2 are windows in the front of the proposed townhouses on Bamborough Gardens, however these are windows which front onto street frontages and are set a 90 degrees to street facing windows in existing Bamborough Gardens properties. No detrimental overlooking would be considered to result from these street facing windows proposed in Bamborough Gardens. Street facing windows on Shepherd's Bush Road would be more than 18m from the nearest existing residential windows and would therefore comply with Criterion 2 of SPD Housing Policy 8.

3.69 A condition (36) is suggested to ensure that the proposed balcony and terrace areas would not result in any detrimental overlooking of properties to the south, screening being required along the southern edge of the terrace at fifth floor level and the southern edge of the balconies at first to fourth floor levels on the Shepherd's Bush fronting block, and the western edge of the terrace to the western townhouse at third floor level.

3.70 The proposed terraces and balconies would therefore be in accordance with the aims of SPD Housing Policy 8, Criterion 2 and as such would not be considered to result in an unacceptable loss of privacy.



## Noise and disturbance

3.71 The proposal also needs to be considered for its potential impact on neighbours from noise and disturbance. Development Management Local Plan Policy DM H9 states that 'Noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity'. The proposed residential units and small office would have a beneficial effect in terms of its noise and disturbance impact on existing residential properties adjacent to the site in comparison with the existing uses on the site, and the proposed uses are compatible with the existing residential and commercial uses surrounding the site.

3.72 Criterion 3 of SPD Housing Policy 8 states that planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise or disturbance. The balconies and terraces of the scheme would predominantly be between 5-8sqm in size in order to comply with London Plan amenity space requirements, with one 17sqm terrace at fifth floor level at the rear of the Shepherd's Bush Road fronting block. Given the generally limited size of the balconies and terraces it is therefore considered that their use would, in the normal course of events, not be likely to harm the amenities of existing neighbours as a result of additional noise and disturbance to a degree that would justify refusing planning permission. No objection is therefore raised under Criterion 3 of SPD Housing Policy 8.

## Environmental nuisance

3.73 Core Strategy Borough Wide Strategic Policy CC4 aims to protect and enhance the environmental quality of the borough. DM Local Plan policy DM H9 states that 'Noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants / users of existing or proposed noise sensitive uses in the vicinity'. DM Local Plan Policy DM H11 relates to environmental nuisance and states that 'All developments shall ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties particularly where commercial and service activities are close to residential properties. The Council will, where appropriate, require precautionary and/or remedial action if a nuisance for example, from smoke, fumes, gases, dust, steam, light, vibration, smell, noise, spillage of gravel and building aggregates or other polluting emissions would otherwise be likely to occur, to ensure that it will not'.

3.74 The site adjoins existing residential properties on three sides, and new residential units are proposed adjacent to (on the lower ground floor) and above the proposed office use, with their associated comings and goings.

3.75 The proposed Class B1a office use at basement level in the Shepherd's Bush Road fronting building could result in potential conflict between the commercial use and the residential use proposed above and around the commercial use. It is considered, however, that the small scale of the proposed commercial use (with up to 8 full time employees anticipated) and its office nature would mean that it would be unlikely to result in unacceptable levels of noise and disturbance. To ensure that the office use would not harm the amenities of occupiers of neighbouring properties, including the occupiers of the units adjacent to and above the proposed office use, Officers consider

that conditions should be imposed including requiring enhanced sound insulation (conditions 46 & 47). Subject to these conditions it is considered that the proposed uses would not result in harm to the residential amenities of surrounding occupiers by reason of noise and disturbance in accordance with policies DM H9 and DM H11.

### Conclusion on impact on neighbours

3.76 The potential impacts of the proposal on neighbours are acknowledged, in particular on the outlook and daylight and sunlight conditions which Officers previously expressed concern about, but which the Inspector in the appeal decision considered to be acceptable given the site's constraints. On balance it is therefore considered that Officer can only conclude that the overall impact on neighbours would be acceptable, subject to appropriate conditions.

## QUALITY OF ACCOMMODATION

### Size, lighting, aspect, amenity space

3.77 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.

3.78 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.

3.79 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'.

3.80 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

3.81 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 dwellings. The proposed development complies with London Plan minimum floor areas. The size and make-up of the units are as follows:

### Block A (fronting Bamborough Gardens)

Flat ALG001 Lower Ground Requires 61 sqm (2 bed 3 person) - 78.5 sqm provided  
 Flat ALG003 Lower Ground Requires 74 sqm (3 bed 4 person) - 78 sqm provided  
 Flat A001 Ground Requires 61 sqm (2 bed 3 person) - 73 sqm provided  
 Flat A002 Duplex (LG+G) Requires 50 sqm (1 bed 2 person) - 77 sqm provided  
 Flat A003 Ground Requires 70 sqm (2 bed 4 person) - 71 sqm provided  
 Flat A101 First Requires 61 sqm (2 bed 3 person) - 73 sqm provided  
 Flat A102 First Requires 50 sqm (1 bed 2 person) - 52 sqm provided  
 Flat A103 First Requires 50 sqm (1 bed 2 person) - 51 sqm provided  
 Flat A201 Second Requires 70 sqm (2 bed 4 person) - 70 sqm provided  
 Flat A202 Second Requires 50 sqm (1 bed 2 person) - 52 sqm provided  
 Flat 301 Third Requires 70 sqm (2 bed 4 person) - 70 sqm provided  
 Flat 302 Third Requires 50 sqm (1 bed 2 person) - 52 sqm provided

### Block B (fronting Shepherd's Bush Road)

Flat BLG0001 Lower Ground Requires 70 sqm (2 bed 4 person) - 71 sqm provided  
 Flat B001 Duplex (LG+G) Requires 90 sqm (4 bed 5 person) - 127 sqm provided  
 Flat B002 Duplex (LG+G) Requires 70 sqm (2 bed 4 person) - 90 sqm provided  
 Flat B003 Ground Requires 70 sqm (2 bed 4 person) - 71 sqm provided  
 Flat B101 First Requires 70 sqm (2 bed 4 person) - 79 sqm provided  
 Flat B102 First Requires 70 sqm (2 bed 4 person) - 80 sqm provided  
 Flat B103 First Requires 50 sqm (1 bed 2 person) - 51 sqm provided  
 Flat B201 Second Requires 70 sqm (2 bed 4 person) - 79 sqm provided  
 Flat B202 Second Requires 70 sqm (2 bed 4 person) - 80 sqm provided  
 Flat B301 Third Requires 50 sqm (1 bed 2 person) - 51 sqm provided  
 Flat B302 Third Requires 50 sqm (1 bed 2 person) - 53 sqm provided  
 Flat B303 Third Requires 50 sqm (1 bed 2 person) - 50 sqm provided  
 Flat B401 Fourth Requires 70 sqm (2 bed 4 person) - 79 sqm provided  
 Flat B402 Fourth Requires 70 sqm (2 bed 4 person) - 80 sqm provided  
 Flat B501 Fifth Requires 70 sqm (2 bed 4 person) - 77 sqm provided  
 Flat B502 Fifth Requires 50 sqm (1 bed 2 person) - 50 sqm provided

### Townhouses

C001 Requires 130 sqm (4 bed 8 person) - 171 sqm provided  
 C002 Requires 130 sqm (4 bed 8 person) - 169 sqm provided

## Aspect and Outlook

3.82 All but four of the proposed units are dual aspect, and none of the single aspect flats would face solely in a northerly direction. One of the reasons for refusal of the appeal scheme stated '...the two proposed studio units would have unacceptable outlook as well as poor lighting conditions'. At appeal a scheme was put forward to convert the two studio units into a one-bedroom duplex, and this unit (A002) has been carried forward to the current application. The Inspector did not raise any objections to the proposed duplex unit on the grounds of residential quality. The units within the proposed development are therefore considered to have acceptable outlook.

## Daylight/Sunlight to New Dwellings

3.83 BRE guidance provides a method for calculating the luminance of a room called Average Daylight Factor (ADF). The BRE guidance sets the following minimum recommended ADF levels for habitable room uses: 1% Bedrooms, 1.5% Living Rooms and 2.0% Kitchens. At appeal the Council's position was that living/kitchen/dining rooms should therefore achieve a value of 2% ADF. In the appeal decision the Inspector stated the following:

'...the appellants note that there would be some shortfall against Average Daylight Factor (ADF) targets, but an overall compliance rate of 96%. They question whether it is reasonable to meet the higher standard for kitchens when they are part of an open plan arrangement, invariably at the back of the room, noting that there is no Building Regulations requirement for natural light in kitchens.'

3.84 The Inspector accepted that 'there would be limited availability of sunlight within the new development' but concluded with that 'the development would not have an unduly detrimental effect on the living conditions of future occupants'.

3.85 The results contained within the daylight and sunlight report submitted with this application show that 28 of the units would have acceptable daylighting conditions, based on the use of the 1.5% ADF figure for living/kitchen/dining rooms which the Inspector did not object to. The two units which would fail the ADF are ALG001 (lower ground floor) which has a living/kitchen/dining room ADF of 1.41% and Flat A102 (first floor) which has a living/kitchen/dining room ADF of 1.36%. No objection is recommended to be raised on this matter, however, given the opinion of the Inspector that the overall residential quality of the similar appeal scheme was acceptable, as all the other rooms within the two flats would exceed BRE ADF recommendations, and as the lower ground floor flat would also have access to two outdoor amenity spaces from its living/kitchen/dining room which would be larger than required minimum area by 22sq.m.

3.86 Details of sunlight to the living/kitchen/dining rooms for the proposed units have been submitted. There are no solely north facing living/kitchen/dining rooms within the scheme, however only 12 of the living/kitchen/dining rooms meet both the BRE recommended winter and annual APSH. There are, however, 9 living/kitchen/dining rooms which meet one of the two targets (6 meet the annual target, 3 meet the winter target), and there are 9 which meet neither the annual or winter target. Nevertheless, the Inspector's decision on the appeal scheme made clear that while he understood that '...there would be limited availability of sunlight within the new development' this was

not a reason for which he dismissed the appeal, and therefore the level of sunlight to the proposed units is considered to be acceptable in this instance.

#### Floor to ceiling heights

3.87 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. All parts of the development would have a floor to ceiling height more than 2.5m, thus complying with The London Plan requirement.

#### External amenity space

3.88 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. Policies DM E1 and DM A9 of the DMLP require all new developments to make provision for open space to meet the needs of the 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, with a provision of at least 36sq.m for family dwellings. All but one of the proposed units that would be provided by the development would meet this external amenity space standard as set out below:

#### Block A (fronting Bamborough Gardens)

Flat ALG001 Lower Ground Requires 6 sqm (2 bed 3 person) - 58 sqm provided  
Flat ALG003 Lower Ground Requires 7 sqm (3 bed 4 person) - 39 sqm provided  
Flat A001 Ground Requires 6 sqm (2 bed 3 person) - 7 sqm provided  
Flat A002 Duplex (LG+G) Requires 5 sqm (1 bed 2 person) - 5 sqm provided  
Flat A003 Ground Requires 7 sqm (2 bed 4 person) - 7.5 sqm provided  
Flat A101 First Requires 6 sqm (2 bed 3 person) - 7 sqm provided  
Flat A102 First Requires 5 sqm (1 bed 2 person) - 5 sqm provided  
Flat A103 First Requires 5 sqm (1 bed 2 person) - 5 sqm provided  
Flat A201 Second Requires 7 sqm (2 bed 4 person) - 7 sqm provided  
Flat A202 Second Requires 5 sqm (1 bed 2 person) - 5 sqm provided  
Flat 301 Third Requires 7 sqm (2 bed 4 person) - 7 sqm provided  
Flat 302 Third Requires 5 sqm (1 bed 2 person) - 5 sqm provided

#### Block B (fronting Shepherd's Bush Road)

Flat BLG0001 Lower Ground Requires 7 sqm (2 bed 4 person) - 47.5 sqm provided  
Flat B001 Duplex (LG+G) Requires 8 sqm (4 bed 5 person) - 45.3 sqm provided  
Flat B002 Duplex (LG+G) Requires 7 sqm (2 bed 4 person) - 8.6 sqm provided  
Flat B003 Ground Requires 7 sqm (2 bed 4 person) - 7.5 sqm provided  
Flat B101 First Requires 7 sqm (2 bed 4 person) - 12.4 sqm provided  
Flat B102 First Requires 7 sqm (2 bed 4 person) - 7 sqm provided  
Flat B103 First Requires 5 sqm (1 bed 2 person) - 5 sqm provided  
Flat B201 Second Requires 7 sqm (2 bed 4 person) - 12.4 sqm provided  
Flat B202 Second Requires 7 sqm (2 bed 4 person) - 7 sqm provided  
Flat B301 Third Requires 5 sqm (1 bed 2 person) - 6.1 sqm provided

Flat B302 Third	Requires 5 sqm (1 bed 2 person) - 5 sqm provided
Flat B303 Third	Requires 5 sqm (1 bed 2 person) - 6.5 sqm provided
Flat B401 Fourth	Requires 7 sqm (2 bed 4 person) - 12.4 sqm provided
Flat B402 Fourth	Requires 7 sqm (2 bed 4 person) - 7 sqm provided
Flat B501 Fifth	Requires 7 sqm (2 bed 4 person) - 17 sqm provided
Flat B502 Fifth	Requires 5 sqm (1 bed 2 person) - 8 sqm provided

### Townhouses

C001	Requires 36 sqm (4 bed 8 person) - 37 sqm provided
C002	Requires 36 sqm (4 bed 8 person) - 35 sqm provided - 1 sqm less than required

3.89 The only unit with deficient amenity space would be one of the townhouses which would have 1sqm less than the adopted local standard, however this unit would have 39sqm more internal floorspace required than the London Plan minimum requirement which is considered to compensate for this minor shortfall in external amenity space. Given the constrained nature of the site and the distribution of the amenity space across two terraces this shortfall is considered to be acceptable in this instance.

3.90 Analysis has been undertaken with regards to the amount of sunlight that the proposed areas of amenity space would receive. The results show that the amenity spaces would not meet BRE guidelines in relation to overshadowing, partly due to the design of the proposed development and partly due to existing development surrounding the site. The amenity spaces would receive more sunlight in the summer (as opposed to on 21st March when the BRE suggests testing), however less than half of the lower ground floor amenity spaces would receive 2 hours of direct sunlight over more than 50% of their amenity spaces on 21st June. Nevertheless, the Inspector's decision on the appeal scheme made clear that while he understood that '...there would be limited availability of sunlight within the new development, including the outside amenity areas' this was not a reason for which he dismissed the appeal, and therefore the levels of sunlight to the proposed amenity spaces are considered to be acceptable in this instance. The proposed townhouses have third floor terraces which would be unobstructed to their immediate south, and would therefore receive more sunlight than their ground floor or first floor amenity spaces which would be overshadowed by adjacent development.

### Accessibility

3.91 DMLP (2013) policy DM A9 'Detailed Residential Standards', DMLP (2013) Policy DM A4 'Accessible Housing' and SPD Design Policy 1 'Inclusive Design' of the PG SPD relate to ensuring that homes are accessible. Subsequent to the adoption of these 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.

3.92 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 reasonably achieve level access. If level access cannot be reasonably achieved, then the units cannot be

required to meet the M4(2) Building Regulations. The London Plan recognises that securing level access in buildings of four storeys or less can be difficult, and that consideration should also be given to viability and impact on ongoing service charges for residents.

3.93 All of the 28 flats proposed would be provided with step-free access to the flat entrance level due to the provision of two lifts (6 of these units being located at ground floor level, 3 of these being duplex units over the ground and lower ground floors with space identified for a future through floor lift), one in each core, and these units are therefore compliant with Part M4(2). The proposed flats are therefore considered to meet M4(2) standards.

3.94 Three of the flats are also proposed to meet wheelchair home Part M4(3) standards, with one unit being located on each of lower ground, ground and first floors in the Bamborough Gardens building (flats ALG001, A001 and A101). This would comply with the 10% requirement of policy DM A4.

3.95 The two proposed dwellinghouses have ground floor bed spaces and wet rooms indicated if these were to be required.

3.96 The lift in the Shepherd's Bush Road core would provide level access to the lower ground floor commercial unit.

#### Noise disturbance to new units

3.97 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. Development Management Local Plan Policy DM H9 states that 'Housing, schools, nurseries, hospitals and other noise-sensitive development will not normally be permitted where the occupants/users would be affected adversely by noise, both internally and externally, from existing or proposed noise generating uses'.

3.98 The submitted acoustic report has identified some of the measures necessary to achieve the noise criteria for the room uses required in BS8233:2014, but it has not clearly specified how this will be achieved. It has specified an RW38dB level for the façade to include glazing and structure. A condition (58) is therefore suggested to ensure that a revised noise assessment is submitted which will clarify the measures to be included in the development in order to ensure the proposed noise levels are achieved.

3.99 Conditions (No.30 & 31) are also recommended to ensure that there is sufficient insulation between the residential units and also between the residential units and the commercial unit in order to prevent excessive noise transference between properties. The adjacent Bamborough Road serves a limited number of residential properties and by virtue of this is understood to be relatively quiet in character with relatively few vehicle or pedestrian movements. Shepherd's Bush Road is busier in character, however the closest residential windows would be set some 10m back from the edge of the carriageway, and the rooms that would face towards the highway at ground floor

level would have the buffer of the 2.5m deep lightwell and railings; and future occupants would enjoy an acceptable living environment in Officers' view.

Privacy between proposed residential units.

3.100 On upper floors of the flat blocks, windows in the two blocks would be more than 18m from the opposing block. On the northern elevation of the rear projecting elements of the two blocks high level windows and obscure glazing would be used at ground and first floor levels and would avoid any detrimental overlooking between the proposed units. At ground floor screening between the proposed outdoor amenity spaces would prevent any detrimental overlooking, details of this screening would be required by condition 20. There would be some breaches of the 18m/60 degree overlooking test between windows on the southern side of the rear projecting elements and flats on the southern side of the blocks at ground and first floor levels, however these windows in question would be set at right angles to each other and no objection was raised by the Inspector's appeal decision relating to a scheme with a similar layout. The proposed development would therefore provide an acceptable level of privacy between the proposed units.

Secure by Design

3.101 London Plan Policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment. Policy BE1 of the Core Strategy and policy DM G1 of the DM Local Plan, 2013 requires proposals to meet 'Secured by Design' requirements. A statement of how Secured by Design requirements would be adequately achieved would be secured by condition 21 if permission were to be granted.

## HIGHWAYS MATTERS

Parking and traffic generation

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

3.103 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.

3.104 Core Strategy Policy T1 supports The London Plan. Policies DM J2 and DM J3 of the DMLP set out vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met. DM Policy DM J2 stipulates maximum residential parking standards and requires 1 to 2 bedroom units to have a maximum of less than 1 car park space per unit, 3 bedroom units to have a maximum of 1-1.5 car park spaces per unit and 4 or more bedroom units to have a



maximum of 1.5-2 car park spaces 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 relates to housing with reduced parking and states that 'market' housing with zero or reduced parking will only be considered in areas with good levels of public transport accessibility, whilst also stating that new social/affordable rented housing should have sufficient car parking to meet the essential needs of the tenants, its justification explaining that 'Experience has shown that the council should be aiming for about 25% of social/affordable rented dwellings to have a parking space'.

3.105 Parking standards/policies aim for a low level of parking provision, especially in areas of good public transport accessibility, which is the case here (the site is within PTAL 6b, which is considered to have excellent accessibility). The provision of no car parking spaces for the proposed flats is considered to be in accordance with DMLP policy DM J2, which sets out that a maximum of less than one space per dwelling is required. The proposed dwellinghouses would have one integral garage parking space each. This is considered acceptable given that these would be four bedroom family size houses, and also to be in accordance with DMLP policy DM J2. All the proposed residential dwellings would be subject to a legal agreement which would prohibit future occupiers from acquiring a car parking permit, except for blue badge holders who would be able to apply for parking permits and park in nearby on-street parking bays. Accordingly, given the location of the site (PTAL 6B), which offers excellent public transport accessibility and easy access to shops and services in Shepherd's Bush Town Centre, this is considered to be an appropriate approach in this case, and would not result in material increase in on-street car parking stress near the site.

3.106 Visitors would also be able to easily access the site via public transport, and therefore no dedicated visitor parking would be required in this instance in line with policy DM J2. Any visitor parking which was required, however, could be accommodated by pay and display on-street parking in the vicinity of the site. With no parking spaces for the proposed flats, the development would be unlikely to generate a significant number of vehicle movements, in accordance with DM Local Plan policies DM J2 and DM J3 and policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan.

3.107 With regards to the proposed lower ground floor commercial unit, this would effectively replace the existing commercial units on the site (the MOT garage and car wash). The proposed commercial unit is expected to have up to 8 employees compared to 7 across the two sites at present. It is considered that the proposed office use would be likely to have much lower associated vehicular movement and servicing requirements than the existing commercial uses, which by their nature involve high numbers of vehicular movements.

3.108 Therefore, in transportation terms, there would not be expected to be any detrimental impact upon traffic and parking near the site as a result of the proposed office unit, which would not have any off-street parking as part of the proposal. It is likely that employees would use public transport to access the site in the absence of off-street parking, in this location with excellent public transport accessibility. The proposal is therefore considered to be in accordance with DM Local Plan policies DM J2 and DM J3 and policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan.

3.109 Although the site sits below the usual thresholds for requiring a residential travel plan, given the low car ownership associated with the site a Travel Plan would be

required via condition (49) to encourage residents to utilise public transport and local facilities in the area, and to ensure that the impacts of servicing and delivery vehicles was appropriately managed (condition 39).

#### Provision for Pedestrians

3.110 The applicant states that the crossovers serving the current site from Shepherd's Bush Road and Bamborough Gardens are to become redundant as part of the proposal, and therefore they will need to be reinstated to footway, and also that a new area of footway would be provided in Bamborough Gardens. The applicant must wholly fund associated physical works, and all work on the public highway would have to be carried out by the Council's highway contractors, a Section 278 agreement would be required to facilitate these works. The proposed development of this site could also potentially damage the footway during construction, and subsequent enhancement works may be required to ensure that the footway outside the site is maintained to a high standard. All works to the highway would be funded by the developer and secured through a S106 legal agreement.

#### Cycle Parking

3.111 50 cycle parking spaces are proposed to be installed for the proposed flats in four secure facilities, one within a courtyard access from Bamborough Gardens, and three within the Shepherd's Bush fronting building at ground and lower ground floor level. Two cycle parking spaces would be provided within the lower ground floor commercial unit, and shower and changing facilities are indicated. It has also been shown that two cycle parking spaces would be provided within the garages of each of the proposed dwellinghouses. The London Plan requirement, which is more than the local requirement, would be for 51 cycle parking spaces for the residential element and 2 for the commercial element. The proposed level of cycle parking provision would therefore accord with Development Management Local Plan policy DM J5 and London Plan policy 6.13 requirements. Condition 10 requires full details of cycle parking.

3.112 As such, it is considered that the proposed development would not be likely to have an unacceptable impact on the existing amenities of local residents because of increased on-street car parking stress or traffic. On this basis the proposed development is judged to be acceptable in the context of the NPPF, The London Plan, Core Strategy Policy T1 and DMLP Policies DM J1, DM J2, DM J3 and DM J5.

#### Refuse storage

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

3.114 Refuse and recycling storage areas are shown for both residential cores, with a separate storage area for the commercial unit within the Shepherd's Bush Road curtilage. SPD Sustainability Policy 9 sets out the requirements for refuse storage for residential developments, with SPD Sustainability Policy 11 setting out the requirements for commercial developments. In this development of 2 x 4 bed town houses, 10 x 1 bed, 16 x 2 bed, 1 x 3 bed, and 1 x 4 bed flats, 5730 litres of waste and recycling

capacity would be required for the residential element. Space for 7 large refuse and recycling bins is indicated on the proposed ground floor plan, which would provide a total storage capacity of 8240 litres, with 4 of these bins in the Shepherd's Bush Road core where the commercial element is proposed. The proposed number of bins is considered to provide sufficient capacity for both the residential element and the commercial unit. Condition 23 would require further details of the refuse and recycling storage and a Refuse Management Plan, so that full details including how the refuse/recycling would be organised for collection can be agreed.

#### Impact of building works

3.115 Though there is other legislation covering construction matters, a Demolition Management Plan (DMP), a Demolition Logistics Plan (DLP), a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) are required to ensure that there is no harmful impact on neighbours and on the local highway network. The documents would include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The DLP and CLP would need to be written in accordance with Transport for London (TfL) requirements, which seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by conditions 4-7, in accordance with DMLP policies DM H5, DM H8, DM H9, DM H10 and DM H11, and London Plan Policy 6.3.

## ENVIRONMENTAL MATTERS

### Flood Risk/SuDS

3.116 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.

3.117 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.

3.118 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 DMLP 2013.

3.119 Small parts of the site are in the Environment Agency's Flood Zones 2 and 3 (along the southern boundary), although most of the site is in Flood Zone 1. Land in Zone 3 has a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. This indicates a high risk of flooding from the Thames, although this designation does not take into account the high level of flood protection provided by the Thames Barrier and

local river wall defences which defend the site so that the annual probability of flooding from the Thames is 0.1% or less. This is the equivalent flood risk for a Zone 1 area, and therefore the majority of the site is considered to be at low risk to flooding from the Thames. If the flood defences failed or were breached, the site is not in an area identified by the Environment Agency as one that could be at risk of rapid inundation by flood waters. The Council's Surface Water Management Plan shows that this site is not in a surface water flooding hotspot, although the adjacent area is more at risk. A lower ground floor is planned, so groundwater and sewer flood risk also must be considered and mitigated.

3.120 Officers have assessed the proposal with regards drainage and it is proposed to implement a sustainable drainage strategy (SuDS). The principle of the SuDS Strategy is considered to be acceptable, however further details will need to be finalised and therefore a condition (55) is suggested requiring the submission of a revised strategy that provides the final details of the sustainable drainage measures, including green and brown roofs, rainwater harvesting and permeable paving to be implemented on site which would also provide information on their attenuation capabilities and maintenance arrangements.

3.121 Similarly Officers are satisfied with the proposed flood mitigation measures, and that steps can be taken to ensure the development has an acceptable impact in this regard. The Applicants have indicated that the basement structure will be constructed from water proof concrete and is likely to have a drained cavity and Delta Membrane waterproofing system or similar. A condition (56) is therefore suggested requiring the submission of finalised details of the proposed flood mitigation measures to ensure no detrimental impacts as a result of the development in this regard.

3.122 Subject to the conditions recommended above no objection would be raised under policy DM H3 or London Plan policy 5.13 on sustainable drainage or flooding grounds.

## Energy

3.123 London Plan policy 5.2 and the associated DM Local Plan Policy DM H1 require the reduction of carbon dioxide emissions.

3.124 As required, an Energy Statement has been submitted with the application. The submitted Energy Assessment outlines the approach to be taken in reducing energy use and associated CO<sub>2</sub> emissions. Baseline emissions for the development, if built to comply with minimum Building Regulation standards, are calculated to be 45.5 tonnes a year. Energy efficiency and low/zero carbon measures such as improved insulation, use of a solar thermal and PV systems are calculated to reduce annual emissions to 29.5 tonnes. This is an improvement of just over 35%, which is in line with the London Plan target. The measures outlined in the Energy Assessment are required to be implemented by condition 35.

3.125 London Plan policy 5.3 and the associated DM Local Plan policy DM H2 require the use of sustainable design and construction methods. Wider sustainable design and construction measures have been considered in a submitted Sustainability Statement. In addition to the carbon reduction measures outlined in the Energy Assessment, a range of sustainable design and construction measures are also planned to reduce the development's environmental impacts. Measures are planned on

areas such as water conservation, waste management, pollution reduction and ecology. Considerate construction management measures will also be implemented. The level of performance demonstrated in the supporting reports is acceptable and in line with policy requirements. The measures outlined in the Sustainability Statement are required to be implemented by condition 34.

#### Air Quality

3.126 An Air Quality Assessment has been submitted with the application, the entire borough being a designated Air Quality Management Area. The submitted assessment concludes that the location is suitable for the proposed uses and that the associated emissions would be at an acceptable level. Mechanical ventilation is proposed and Officers consider that this is required, particularly for units with habitable rooms facing onto Shepherd's Bush Road. Conditions (43, 44, 45 & 51) are suggested requiring details of the proposed mechanical ventilation system, a risk assessment based on the Mayor's dust and emissions SPG, details of non-road mobile machinery, a low emissions strategy and also for details of the Ultra Low NOx Gas fired boilers to be provided for space heating and domestic hot water.

#### Contaminated Land

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

3.128 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works further conditions are recommended covering the assessment and remediation of contaminated land (12-17).

#### Trees

3.129 It was considered that the previously proposed development would have a detrimental effect on the Council owned street tree immediately adjacent to the site of the western townhouse in Bamborough Gardens, the tree being located within the Shepherd's Bush Conservation Area. With regards to this issue the Inspector stated:

'It is recognised that the tree is wholly surrounded by hard surfaces, and that there is limited evidence that the roots are likely to pass below the garage building. It would also be possible to establish a foundation design, and method of working, to maximise the chances of survival. However, even if the health of the tree was secured, there would remain an ongoing need to heavily prune the crown abutting the new building, and it is probable that light and outlook would be unduly restricted in the adjacent rooms. As an alternative, the appellants suggest that a replacement tree could be provided, and a suitable location was identified during the site visit, although subject to avoiding underground services. The draft Unilateral Undertaking makes provision of a commuted sum for the continuing maintenance or replacement of the tree.'

3.130 The Applicant's position in relation to this tree remains the same as at appeal, that the street tree should be able to remain in place. The current proposal

would have the same potential impact upon the street tree as the appeal scheme, which may mean that the street tree will need to be pruned more often or replaced if it is damaged during construction. It is hoped by the Applicant, that the street tree will not be damaged during construction, however they have proposed a payment of £5,000 for the maintenance and/or the replacement of the street tree.

3.131 The Inspector concluded the following with regards to the impact on the street tree:

'There seems to be limited practicality in retaining the existing tree, and any replacement would take an extended period to make a significant contribution to the street scene. As it is, the existing row of trees are an important element in Bamborough Gardens, and the loss of one of their number would fail to preserve the character and appearance of the Conservation Area, contrary to the relevant parts of DM policies E4, G1 and G7. However, there are mitigating features: the existing tree is misshapen, and out of alignment with the remainder and, in being at the end of the street, its removal would not interfere with the regularity of the avenue. Therefore, in terms of NPPF para 134, the harm would be less than substantial, and there would be the potential, if the development was acceptable in other respects, to show that it could be overcome by any public benefits of the scheme.'

3.132 In line with the Inspector's conclusions, Officers conclude that, although there would be harm to the character and appearance of the conservation area if the tree was to be lost, this loss is not inevitable. As such a condition (27) is suggested to ensure the protection of this tree during construction. The accompanying legal agreement will also provide a contribution towards the ongoing maintenance of the tree, and its replacement if it is found during construction or later that the tree needs to be removed. As stated by the Inspector, there are considered to be mitigating factors in this instance and the potential loss of the tree has to be balanced against the other public benefits of this scheme.

3.133 The proposed scheme is therefore considered, in light of the Inspector's comments, to be in line with the aims of DM LP policies DM E4, DM G1 and DM G7, and Planning Guidance SPD Design Policy 56 and SPD Sustainability Policy 22.

## PLANNING OBLIGATIONS

### CIL

3.134 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. The Mayor's CIL calculation would contribute towards the funding of Crossrail; and is generally charged at £50/sq.m.. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3. The anticipated Mayoral CIL amount for the proposed development is approximately £121,488.20.

3.135 The Council also adopted a Local CIL on 1st September 2015. In this part of the borough this is normally charged at the rate of £100/sq.m. for residential use; although the scheme may benefit from social housing relief and the office use is likely to have a nil charge. This would be assessed in full detail, if planning permission were to be forthcoming. The anticipated Local CIL amount for the proposed development is approximately £200,359.68.

#### Legal Agreement

3.136 The Council is obliged to assess planning proposals against the policies and standards contained within the development plans for the area and to consider any other material planning considerations. 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.

3.137 The Applicant is expected to agree to enter into a legal agreement with the Council to:

- Secure the delivery of affordable housing (affordable rent and shared ownership, to the requirements of the Housing Authority, including a nominations agreement).
- Secure the delivery of 3 wheelchair units (ALG001, A001 and A101) and their targeted marketing.
- The reinstatement of footway on Shepherd's Bush Road and Bamborough Gardens required as a result of the development, with associated Section 278 Agreement.
- The creation of a new area of footway in Bamborough Gardens immediately adjacent to the development to be carried out by the Council incorporating the adoption of land within the application site, with associated Section 278 Agreement.
- Any works required as a result of any damage to the footway during construction, to ensure that the footway outside the site is maintained to a high standard.
- A contribution of £5,000 towards the maintenance and/or the provision of replacement street trees within the vicinity of the site.
- That the units should be car permit free, except for blue badge holders.

#### 4.0 CONCLUSION and RECOMMENDATION

4.1 The development of the site for residential use is considered acceptable, in accordance with the National Planning Policy Framework (NPPF, 2012), London Plan (2016) policy 3.3, Core Strategy (2011) policies H1 and H4, and policies DM A1 and DM A3 of the Development Management Local Plan (2013). The density, housing mix, internal design and layout of the new residential units are considered acceptable having regard to London Plan (2016) policies 3.4, 3.5 and 3.8, Core Strategy (2011) policies H2, H3 and H4, policies DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered acceptable, judged against policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policies 1 and 3 of the Planning Guidance Supplementary Planning Document (2013). A legal agreement would secure the affordable housing. The replacement employment use would provide a modern high quality office facility, consistent with the objectives of Core Strategy policy CF1 (2011) and Policy DM D1 of the Development Management Local Plan (2013).

4.2 The proposed development would be a high quality development which would have regard to the pattern and grain of existing development in the area and make a positive contribution to the urban environment. The proposed development would be

compatible with the scale and character of existing development and its setting. The proposal would preserve and enhance the character and appearance of the adjacent conservation area and its setting, along with the setting of nearby locally listed and listed buildings. The development would therefore be acceptable in accordance with the NPPF (2012), Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan (2016) policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy policy BE1, policies DM G1 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 of the Planning Guidance Supplementary Planning Document (2013).

4.3 The impact of the proposed development upon adjoining occupiers is, on balance, considered acceptable with regards to noise and impacts on overlooking, sunlight, daylight, and outlook. In this regard, the development as a whole would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policies DM G1, DM H9, DM H11 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

4.4 The development would provide a safe and secure environment for all users in accordance with London Plan (2016) policy 7.3 and policy DM G1 of the Development Management Local Plan (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2016) policy 3.8, Core Strategy (2011) policy H4, policies DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance Supplementary Planning Document (2013).

4.5 There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory car permit free dwellings, provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy policies T1 and CC3 (2011), policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance Supplementary Planning Document (2013).

4.6 A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by 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 Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

4.7 An Air Quality Assessment has been submitted with the application; low emissions boilers would be installed. An Energy Assessment has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO<sub>2</sub> emissions. The proposal would be consistent with the Mayor of London's sustainable design objectives in accordance with Policies DM G1 and DM H1 of the Development Management Local Plan (2013), Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Core Strategy (2011) Policies BE1 and CC1.



4.8 Conditions would ensure that the site would be remediated to an appropriate level for the sensitive residential and commercial uses. The proposed development therefore accords with Policy 5.21 of the London Plan (2011), policy CC4 of the Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance Supplementary Planning Document (2013).

4.9 It is therefore recommended that planning permission be granted, subject to conditions and the completion of a satisfactory legal agreement.