

London Borough Of Hammersmith & Fulham

Planning Applications Committee

Agenda for 18th April 2017

Index of Applications, Enforcement Actions, Advertisements etc.

WARD: REG NO:	SITE ADDRESS:	PAGE:
Parsons Green And Walham 2016/01448/FUL	1 - 3 Michael Road London SW6 2ER	9
Avonmore And Brook Green 2016/04025/FUL	2 - 14 Shortlands London W6 8DJ	46
ENFORCEMENT PERFORMANCE REVIEW 2016		77

Ward: Parsons Green And Walham

Site Address:

1 - 3 Michael Road London SW6 2ER



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Reg. No:
2016/01448/FUL

Case Officer:
Aisling Carley

Date Valid:
05.04.2016

Conservation Area:

Committee Date:
18.04.2017

Applicant:

Mr C/O Agent
C/O Agent

Description:

Demolition of existing foundry (Class B2) buildings and redevelopment of the site to include the erection of a part one/ two / three /four storey plus basement building, comprising 1 x office unit (Class B1) and 1 x retail/financial & professional services unit (Class A1/A2) at ground floor level, and 12 self contained flats between ground and third floor level, 7 basement car parking spaces, associated cycle and refuse storage.

Drg Nos: 901/P/05D; 06D; 07E; 08F; 09F; 10E; 11B; 12B; 13C; 14B; 15B;16A; 20B; 21B; 22B; 24B; 25B

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Lead Director for Regeneration Planning and Housing Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: 901/P/05D; 06D; 07E; 08F; 09F; 10E; 11B; 12B; 13C; 14B; 15B; 16A; 20B; 21B; 22B; 24B; 25B

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) Prior to commencement of the development hereby approved, Demolition Management Plan and Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include length of time for the obstruction of the footway and control measures for pedestrian safety, 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 and details of temporary site fencing/means of enclosure to be erected prior to any demolition

works take place. 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 and Construction Logistics Plan shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of demolition and 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, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 6) The development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of each elevation are submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

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).

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

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

- 8) Prior to commencement of the development hereby permitted (save for demolition and site clearance), details of all new external materials to be used in the development including curtain walling, cladding and roofing materials shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the

conservation area; and the setting and special architectural and historic interest of the locally listed building, the adjacent listed building and neighbouring listed buildings in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policy BE1 of the Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (2013).

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

- 10) 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).

- 11) 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 Policy BE1 of the Core Strategy (2011) and Policies DM G1 and G7 of the Development Management Local Plan (2013).

- 12) 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 buildings in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (2013).

- 13) 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 or other form of enlargement to the residential 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 proposed single family dwellings 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, DM G1 and DM G7 of the Development Management Local Plan (2013)

- 14) All existing trees located within the rear gardens of the properties at Nos. 619-635 Kings Road must be retained and their Root Protection Areas securely fenced off so the trees and their root systems are protected for the duration of the work. The erection of protective fencing and any construction activity, or movement or storage of spoil, plant or materials that has to take place within the Root Protection Area of the trees should be carried out in accordance with both the submitted Arboricultural Method Statement by Nicholas van Pelt and BS5837:2012. It should also be carried out under the direct supervision of an Arboricultural consultant appointed by the applicant.

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

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

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policies BE1 and CC4 of the Core Strategy (2011) and Policies DM G1 and DM G8 of the Development Management Local Plan (2013).

- 16) The glass installed for the retail and office frontages on the Michael Road and Edith Row shall be clear and shall be permanently retained and not obscured in any way.

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).

- 17) No external roller shutters shall be attached to the retail and office frontages to Michael Road and Edith Row elevations.

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).

- 18) A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the Council's Supplementary Planning Guidance.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of The London Plan (2016),

Policy H4 of the Core Strategy (2011) and Policy DM G1 and A4 of the Development Management Local Plan (2013).

- 19) 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 eg. living room/ kitchen above/adjoining bedroom of separate dwelling etc. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 21) 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).

- 22) Prior to use 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).

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

To ensure suitable entry into the building for disabled people. In accordance with Policy BE1 of the Core Strategy (2011) and Policy DM G1 and DM G4 of the Development Management Local Plan (2013) and SPD Design Policy 1, 2 and 25 of the Supplementary Planning Document (2013).

- 24) With exception to the private roof terrace areas shown on approved drawings 901/P/107E; 901/P/108F; 901/P809F; 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 other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

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).

- 25) The development hereby permitted shall not commence until details and samples of 1.7m high obscure glazed screen as measured from the floor level of the terraces and windows to be used in connection with the roof terraces and windows have been submitted to and approved in writing by the Council. The use of terraces shall not commence until the glazing, as approved has been installed and it shall be permanently retained as such thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy DM G1 of the Development Management Local Plan (2013) and SPD Housing Policy 8 (ii) of Planning Guidance Supplementary Planning Document (2013).

- 26) The development shall not commence prior to the submission and approval in writing by the Council of details of the measures proposed to ensure that the operation of the car lift does not result in noise and disturbance to the occupiers of adjoining residential properties, and the car lift shall not be used prior to the implementation of the approved measures.

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).

- 27) Prior to the first occupation of any non residential units, details of operational hours for the unit shall be submitted to and approved in writing by the Council. Use of the units shall accord with the hours as approved.

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

- 28) All external entrance doors in the office and retail frontages hereby approved shall be designed and installed so that they only open inwards, and shall thereafter be retained in this form.

To prevent obstruction of the public highway in accordance with the Highways Act 1980, and Policy J5 of the Development Management Local Plan (2013).

- 29) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential and commercial development hereby approved, as indicated on the approved drawing nos. 901/9/05D and 901/P/06D and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

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

- 30) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing 901/P/06D.

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).

- 31) Prior to occupation of the commercial units, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 32) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the Flood Risk Assessment (August

2016) otherwise agreed in writing by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

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 (2016), Policy CC1 and CC2 of the Core Strategy (2011) and Policy DM H3 of the Development Management Local Plan 2013.

- 33) The development hereby permitted shall not commence until a Sustainable Drainage Strategy, which details how surface water will be managed on-site in-line with the proposals outlined in the 'Drainage Strategy' report, has been submitted to, and approved in writing by, the Council. Information shall include details on the design, location and infiltration capabilities of the new soakaway and any other sustainable drainage measures such as permeable surfaces, including green roofs, along with confirmation of the levels of attenuation achieved. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided. If use of the proposed soakaway is not possible for any reason then a revised SuDS Strategy should be provided to show how surface water will be managed in line with the requirements of the London Plan Drainage Hierarchy. The Strategy shall be submitted to and approved in writing by, the Council and implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016) and Policy CC2 of the Core Strategy (2011).

- 34) 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 (March 2017). 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 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), Policies BE1 and CC1 of the Core Strategy (2011) and Policies DM G1 and DM H1 of the Development Management Local Plan (2013).

- 35) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability Statement and BREEAM 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 5.1, 5.2, 5.3 and 5.7 of The London

Plan (2016), Policies BE1 and CC1. of the Core Strategy (2011) and Policies DM G1, DM H2 of the Development Management Local Plan (2013).

- 36) 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 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 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 G2 of the Development Management Local Plan (2013).

- 37) As submitted in the site Sustainability Statement (March 2017) and Energy Statement (March 2017), the system selected to provide energy, heat and hot water should not increase emissions of NO_x and particles (PM₁₀) locally and should seek to reduce the emissions further where possible. Low NO_x gas boiler and/or air source heat pumps, photovoltaic panels and other non-combustion renewable technologies should be considered to minimise emissions of NO_x and PM₁₀. CHP plant and biomass/biofuel use can lead to higher local emissions of particles and NO_x and their feasibility should be considered carefully. Any proposals including CHP, biomass or biofuels require a dispersion modelling assessment and the use of abatement technologies.

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

- 38) 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 Construction and Environmental Management Plan (CEMP) that is submitted to and approved in writing by the Council. This CEMP 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 PM_{2.5} should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality Alert and Threshold trigger levels. The assessment should take into account 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), Policy CC4 of the Core Strategy (2011) and Policy DM H8 of the Development Management Local Plan (2013).

- 39) 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_x 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), Policy CC4 of the Core Strategy (2011) and Policy DM H8 of the Development Management Local Plan (2013).

40) 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

- o Dispersion modelling of emissions of NO₂ and PM₁₀ from vehicles, and combustion plant.
- o Impacts to sensitive existing and future receptors, on and off-site from NO₂ and PM₁₀

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 (2016) and Policy DM H8 of the Development Management Local Plan (2013).

41) Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the Council. The Low Emission Strategy must address the results of the agreed Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect residential receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO_x emissions standards for the chosen energy plant that are required to reduce the exposure of on-site and off-site local receptors to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-site and off-site transport and energy generation sources. Evidence must also be submitted to and approved in writing by the Council to show that the boiler units installed will comply with the relevant emissions standards in the Mayor's of London SPG 'Sustainable Design and Construction', April 2014.

The strategy must ensure that the development is air quality neutral in accordance with Mayor's of London SPG 'Sustainable Design and Construction' , April 2014 guidance and identify mitigation measures as appropriate to reduce building emissions and transport emissions below GLA benchmark levels. D1 calculations must be provided from ground level to inform the height of any energy plant chimneys.

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

- 42) Prior to the commencement of the development 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 NO₂ or PM₁₀ 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.

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

- 43) Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra Low NO_x 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_x emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO_x 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), Policy CC4 of the Core Strategy (2011) and Policy DM H8 of the Development Management Local Plan (2013).

- 44) 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.

- 45) 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.

- 46) 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.

- 47) 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.

- 48) 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.

- 49) 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.

Justification for Approving the Application:

- 1)
 1. Change of Use: It is considered that the proposed change of land use is acceptable. The loss of the existing B2 and creation mixed use office and residential premises are acceptable and in accordance with the NPPF (2012), Policy 3.3, 4.2 and 4.3 of the London Plan (2016), Policy B, H1, H4 and LE1 of the Core Strategy (2011) and Policy DM A1, DM A3, DM A9 and DM BE1 of the Development Management Local Plan (2013).
 2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The 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 the conservation of which it forms a part of. The development would therefore be acceptable in accordance with the NPPF (2012), 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), Policy BE1 of the Core Strategy (2011), Policies DM G1 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 of the Planning Guidance Supplementary Planning Document (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
 3. Residential: The density, housing mix, internal design and layout of the new residential units are considered satisfactory having regard to Policies 3.4, 3.5 and 3.8 of the London Plan (2016), Policies H2, H3 and H4 of the Core Strategy (2011) and Policies DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policy 1 and 3 of the Planning Guidance 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 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 Supplementary Planning Document (2013).
 5. 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 Policy 3.8 of the London Plan (2016), Policy H4 of the Core Strategy (2011), 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 Supplementary Planning Document (2013).
 6. Transport: 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 car permit free dwellings, provision of cycle and refuse storage. 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 (2016), Policies T1 and CC3 of the Core Strategy (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).

7. 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. Further necessary details have been secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 London Plan (2016), Policies CC1 and CC2 of the Core Strategy (2011), Policy DM H3 of the Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance Supplementary Planning Document (2013).

8. 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 Supplementary Planning Document (2013).

9. Air Quality: Subject to additional air quality, mechanical ventilation and fresh air intake details, the proposal will ensure neutral air quality outcomes in accordance with Policies 3.2, 5.3 and 7.14 of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

10. Planning Obligations: The application proposes that its impacts are mitigated by way of financial contributions to fund improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan 2016 and Policy CF1 of the Core Strategy 2011.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 31st March 2016

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2012
The London Plan 2016
LBHF - Core Strategy Local Development Framework 2011
LBHF - Development Management Local Plan 2013
LBHF - Planning Guidance Supplementary Planning Document 2013

Consultation Comments:

Comments from:

Environment Agency - Planning Liaison
Thames Water - Development Control

Dated:

09.05.16
20.04.16

Neighbour Comments:

Letters from:

7 Harwood Terrace Fulham London sw62af
611 Kings Rd Fulham SW62EL
Fulham Society 1 London SW6 7BN
627 Kings Road London SW6 2ES
621 Kings Road London SW62ES
83 Waterford Road London SW62ES
631 Kings Road London SW62ES
619 Kings Road London SW62ES
619 Kings Road London SW62ES
83 Waterford Road London SW6
629 Kings Road London SW6 2ES
623 Kings Road London SW62ES
631 Kings Road London SW62ES
633 Kings Road London SW6 2ES
621 Kings Road London SW62ES
Harwood Terrace Kings Road Conservation Area Residents Association
c/o 631 Kings Road London SW62ES

Dated:

23.04.16
25.04.16
29.05.16
28.06.16
26.06.16
26.06.16
26.06.16
23.06.16
02.04.17
26.06.16
27.06.16
29.06.16
26.06.16
27.06.16
28.06.16
30.06.16

OFFICERS NOTES

1.1 The existing site (approximately 538sq.m) has been in use as bronze factory since the 1950s. The site includes a collection of outmoded buildings and sheds, situated on the northern side of Michael Road at its junction with Edith Row, on a mini - roundabout. The site has vehicular access from Edith Row.

1.2 The site has a PTAL score of 6 using Transport for London's methodology, indicating that it has an excellent level of public transport accessibility.

1.3 The site was designated within the Health & Safety Executive's Land Use Planning Consultation Inner and Middle Zone surrounding the Fulham North gasholder site. However, the Hazardous Substances Consent relating to the Gasholder site was formally revoked by the Secretary of State in March 2017.

1.4 The site is situated within the Moore Park Conservation Area, adjacent to Imperial Square Conservation Area, and within Flood Risk Zone 2 and 3.

1.5 Relevant Planning History:

1.6 In 1956 planning permission (1956/00308/HIST) was granted for the erection and retention of a single-storey building on the site for the use of plaster and bronze casting of statuary, for a limited length of time.

1.7 In 1959 planning permission (1959/00377/HIST) was granted for the erection and retention of a single-storey building to be used as a workshop and store in connection with the casting of plaster and bronze statuary, to be used for a limited period.

1.8 The retention of continued use of the buildings on site for the use of plaster and bronze casting was further sought and granted throughout the 1960s and 1970s (1968/00524/HIST, 1969/00248/HIST, 1972/00756/HIST and 1978/20436/HIST).

1.9 Current Proposal:

1.10 The proposal relates to the demolition of existing foundry (Class B2) buildings and redevelopment of the site to include the erection of a part one/ two / three /four storey plus basement building, comprising 1 x office unit (Class B1) and 1 x retail/financial & professional services unit (Class A1/A2) at ground floor level, and 12 self-contained flats between ground and third floor level, 7 car parking spaces, associated cycle and refuse storage.

2.0 PUBLICITY AND CONSULTATION:

Original Proposal:

2.1 When the application was originally submitted in April 2016, the Council sent individual notification letters to the occupiers of 209 neighbouring properties. Fourteen responses have been received of which one was in support of the development, and thirteen against. One of the submitted objections was a joint response from the Harwood Terrace King's Road Conservation Area Residents Association. The issues raised can be summarised as follows:

- Loss of employment;
- Loss of a heritage asset;
- Overdevelopment;
- Harmful to conservation area;
- Appearance and aesthetic;
- Daylight and sunlight;
- Increased sense of enclosure;
- Loss of outlook;
- Loss of privacy;
- Lack of affordable housing provision;
- Excavation of underground car park;
- Excessive car parking provision;
- Traffic congestion;
- Poor vehicle access to site;
- Inappropriate cycle storage;
- Failure to provide flood risk measures;
- Impact on fauna and flora within neighbouring gardens;
- Negative impact on existing trees including TPOs;
- Inadequate assessment of contaminated land;
- Concerns over developer; and,
- Reduce value of adjoining properties.

Amended Scheme:

2.3 In response to the initial consultation the applicants amended their proposals to include: the reduction of the footprint of the building at third floor and set back from adjacent properties in Kings Road; the internal floorspace of the proposed units has been reconfigured to increase the provision of flats from 9 to 12 with a contribution to off-site affordable housing provision. At the time of writing the report 2 responses have been received objecting on the following grounds:

- Consistency of drawings;
- Adequate screening to prevent loss of privacy;
- Access to roof;
- Consistency of revised reports;
- Daylight and Sunlight;
- Take account of other development

3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations in light of the London Plan and the Council's adopted Core Strategy, Development Management Local Plan 2013 (hereafter referred to as DM LP) and the Planning Guidance Supplementary Planning Document 2013 (hereafter referred to as Planning Guidance SPD), include: the principle of the development in land use terms; affordable housing contribution; quantum and intensity of development; design and appearance; existing residential amenities of neighbouring properties; and, traffic impact on the highway network.

LAND USE:

Health and Safety Executive's Land Use Planning Consultation Inner Zone:

3.2 Policy DM H6 of the DM LP seeks to ensure the protection of new and existing residents, by rejecting proposals involving provision for hazardous substances that would pose an unacceptable risk to the health and safety of occupants of neighbouring land, and rejecting development proposals in the vicinity of existing establishments if there would be an unacceptable risk to future occupants.'

3.3 The site is adjacent to the Fulham Gasholder site which includes six redundant gasholders, overground pipes, a Pressure Reduction Station (PRS) and a series of associated operational and employment buildings. It is important safeguard residential development permitted near such hazardous installations which are subject to stringent Health and Safety controls.

3.4 The application site was within the Health & Safety Executive's Land Use Planning Consultation Inner Zone and Middle Zone surrounding the Fulham North gasholder, a hazardous installation. In January 2012, the owners of the site, National Grid de - commissioned their Natural Gas storage facility. In March 2017, the Hazardous Substances Consent which allows the lawful use of the site as gasworks was revoked by the Secretary of State. As the site can no longer lawfully be used as gasworks it does no longer presents any risk to health and safety. The proposed use of the site would accord with Policy DM H6 of the DM LP.

Loss of Existing Foundry:

3.5 Core Strategy Policy B supports the local economy and 'land providing existing employment should normally continue to do so. Core Strategy Policy LE1 ensures that accommodation is available for all sizes of business including small and medium size enterprises.

3.6 The application site is owned by the Art Bronze Foundry Ltd (ABF) which has been in the Borough since 1922. Their original premises were at Stamford Bridge. They relocated to Michael Road in 1955 to facilitate the enlargement of Stamford Bridge football ground.

3.7 ABF is part of the London's fine art scene. The Foundry is one of the oldest art foundries in London and has been a family business for three generations. The current site is considered unsuitable for the continued use of the foundry. The current buildings on the site are in very poor condition. The plant and its services are over 50 years old, are out of date and the property would require significant and costly alterations to bring it up to modern requirements. Any reuse of the existing buildings would require the whole sale replacement of the existing, out-modelled buildings and equipment. The buildings do not comply with current disability or energy performance legislation and the site does not have a dedicated off street servicing yard capable of achieving satisfactory servicing requirements.

3.8 The applicant has submitted evidence of marketing the site since March 2014 for occupation and/or redevelopment. The site has been advertised online via the agency website since April 2014. Furthermore, half page advertisements were taken out in trade newspapers for two separate editions in April 2014 and May 2014.

3.9 Feedback from on-line advertising suggests that since marketing of the site began, expressions of interest were received from over 40 parties, from which 20 site viewings have taken place. None of the expressions of interests that they received were to continue to operate the existing premise as a foundry or solely for employment use.

3.10 The applicant's submitted evidence demonstrates that the premises are unsuitable for continued employment use without adaptation. They have also provided evidence of two years of unsuccessful marketing.

3.11 ABF have advised officers that they aim to increase their workforce as investment in new machinery in a more modern workspace would open up different markets to them that at the moment they are unable to compete in. The proposed development would enable them to do this.

3.12 ABF plan to relocate in the borough as many of the artists that they work with are located within the borough or close by. They believe that it is essential for their business to remain in the borough. They have identified several suitable premises but are unable to commit to any of them until they know that planning consent has been granted. 'The proceeds from Michael Road development would fund the move into a modern facility and investment in modern equipment that will allow them to be efficient and competitive. Without this investment the future for Art Bronze is bleak.'

3.13 In these circumstances the loss of the Foundry is considered acceptable in principle.

Proposed Uses:

3.14 London Plan Policy 4.3 encourages mixed use development and offices. Policy B1 of the DM LP supports proposals for new employment uses and the retention and intensification of existing employment uses in accordance with the locational policies in Core Strategy Policies B and LE1. SPD Design Policy 30 states that a mixture of uses with a conservation area is a component of character and the impact of changing the balance of uses on that character must be carefully considered.

3.15 The proposal would see the loss of 538sq.m of land used for general industry, the land is currently inefficient. However, the new scheme would see the creation of 114.8sqm of office space (Class B1) and 66.4sqm of retail/service space (Class A1/A2).

3.16 The establishment of these two new ground floor commercial uses offsets the loss and relocation of the existing employment use.. The resulting office and retail/service working uses would provide a range of types of employment uses for residents in an easily accessible location. The development complies with Policy 4.2 of the London Plan, Policy B and LE1 of the Core Strategy (2011), Policy DM B1 of the DM LP and SPD Design Policy 30.

Residential Development:

3.17 The National Planning Policy Framework (2012) identifies the need for additional housing and sets out ways in which planning can significantly boost the delivery of housing through the preparation of policy documents. London Plan Policy 3.3 states that an annual average of 42,000net additional homes should be delivered. Table 3.1 sets an annual target of 1,031net additional dwellings for Hammersmith and Fulham. The Draft Local Plan (2015) supports the new updated targets as set out in the London Plan. In the interim, the Core Strategy Policy H1 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 Development Management Local Plan (DM LP). The proposal provides twelve net additional residential units, contributing towards the boroughs housing targets.

Residential Mix:

3.18 Core Strategy Policy H4, Policy DM A3 of the DM LP requires a choice of high quality residential accommodation that meets the local residents needs and aspirations and market demand. There should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The justification to Policy DM A3 of the DM LP identifies a particular need in this borough for more family sized housing (3 or more bedrooms).

3.19 The proposal dwelling mix provides 4 x 1 bed units, 5 x 2 bed units and 3 x 3 bed units represents a range of unit sizes, including a provision of larger family sized units. The proposed dwelling mix accords with Core Strategy Policy H4 and Policy DM A3 of the DM LP.

Density:

3.20 London Plan Policy 3.4 and Core Strategy Policy H3 seek to ensure that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity, with consideration for the

density ranges set out in Table 3.2 of the London Plan. This is supported by Policy DM A2 of the DM LP.

3.21 Part of the site is in Public Transport Accessibility Level (PTAL) 6 using Transport for London's methodology, indicating that it is very accessible by public transport. According to the London Plan density matrix, the site is considered to be set in an urban area with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. This would support a density of between 200 and 700 habitable rooms per hectare (hr/ha), or 45-185 units per hectare (u/ha).

3.22 The proposed development site, (0.0538 hectares) would have approximately 45 habitable rooms which would result in a residential density of 836 hr/ha (equivalent of 223 unit/ha), which falls slightly outside the density range stipulated in the London Plan.

3.23 The London Plan (para 3,28) acknowledges that it is not appropriate to apply residential density standards mechanistically and notes that density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential. Local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16)

3.24 The proposed scheme has been designed to take account of its local context and character in terms of appropriate scale and massing, the form and character of surrounding development and the historic grain and impact on neighbours, as well as complying with the Council's standards on the size of residential units. These matters are addressed in the paragraphs relating to design and residential amenity within this report. The proposed scheme would optimise the sites development potential. Following negotiations, officers consider that the submitted 12-unit scheme represents the most effective and efficient use of this brownfield site in accordance with Policy 3.4 of the London Plan, Policy H3 of the Core Strategy and Policy DM A2 of the DM LP.

AFFORDABLE HOUSING:

3.25 London Plan Policy 3.13 (Affordable Housing Thresholds) normally requires that affordable housing be provided on sites which include 10 or more homes and that negotiations should take account of development viability.

3.26 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..

3.27 Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to a) current and future requirements for affordable housing at local and regional; b) affordable housing targets c) the need to encourage rather than restrain residential development; d) the need to promote mixed and balanced communities ; e) the size and type of affordable housing needed in particular locations; and f) the specific circumstances of individual site. The London Plans also states that Boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis taking account of: economic viability and the most effective use of public and private investment, including the use of developer contributions.

3.28 Core Strategy Borough Wide Strategic Policy H2 (Affordability) sets a target for 40% of additional dwellings to be affordable, with a preference for intermediate and affordable rented. It also states that in 'negotiating for affordable housing the council will take into account: financial viability'. Paragraph 8.28 of the Core Strategy 2011 states 'the council will in the context of Policy H2 seek to take account of financial viability in determining the contribution a scheme can make to the provision of affordable housing'.

3.29 Policy DM A3 (Housing Mix) of the DM LP states 'all new housing provided as part of a new major development should provide a mix of housing, including family housing. The justification continues 'there is a particular need in the borough for more family sized housing (3 or more bedrooms), particularly affordable housing. However, some sites may be more appropriate for families with children particularly sites with safe access to amenity and playspace, than other sites that are in town centres where access may be more difficult.'

3.30 Policy DM A3 states that developments should aim to meet the following mix, subject to viability, locational characteristics and site constraints being considered on a site by site basis: for intermediate housing approximately: 1 bedroom: 50%, 2 bedroom: 35%, 3 or more bedroom: 15% of units.

3.31 The Council will need to be satisfied whether the proposal is optimising the site appropriately and why affordable housing is not being provided.

3.32 The applicant's original submissions included 9 residential units with no contribution to affordable housing. Following negotiations, the scheme was amended to 12 residential units with a reduced massing towards the rear and a reconfiguration of the internal floor layouts to create 4 additional units. This was achieved without compromising the minimum floorspace requirements.

3.33 The Councils Housing Officers have advised that one new off-site affordable housing unit in this part of the Borough have an estimated build cost of £250,000. On this basis, the applicants initially upped their affordable offer on the amended scheme from 0% to 20% towards off-site affordable Housing provision. Officers sought to maximise the offer and this has now been pushed to 25% which equates to a financial contribution of £750,000. Officers consider that this offer is a reasonable and consistent with similar contributions in the locality.

3.34 The applicants have advised that if any additional contribution would render their scheme unviable. Given that the proposals involve the relocation of an existing business within the borough and the creation of new local employment opportunities on site, the proposed offer is considered acceptable.

3.35 Furthermore, the site does not have capacity for additional residential units as any increase would result in an over intensive use that would fail to provide satisfactory residential units for future occupiers environment and any increase in bulk would be unneighbourly.

3.36 The affordable housing negotiations have taken account of the individual circumstances including development viability and it is considered that off-site offer accords with the objectives of Policies 3.11, 3.12 and 3.13 of the London Plan, Policies H1 and H2 of the Core Strategy and Policy DM A3 of the DM LP.

DESIGN AND APPEARANCE:

3.37 In respect of design, 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.

3.38 Section 72 of the Planning [Listed Buildings and Conservation Areas] Act 1990 requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The site should be seen as an opportunity to enhance the conservation area, through high quality design which respects the local context.

3.39 London Plan Policy 7.1, 7.2. 7.4. 7.5 and 7.6 requires 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. Policy 7.8 D states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials, and architectural detail.

3.40 Policy BE1 of the Core Strategy (2011) states that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Meanwhile Policy DM G1 of the Development Management Local Plan (2013) states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

3.41 Policy DM G7 of the DM LP states 'the Council will aim to protect, restore, or enhance the quality, character, appearance and setting of the borough's conservation areas. The justification continues that 'new development should have a good relationship with the character of the surrounding historic environment.' This is supported by SPD Design Policy 44 where new buildings must be carefully conceived to achieve harmonious relationship with their neighbours.

Demolition:

3.42 The NPPF encourages the conservation of heritage assets in a manner appropriate to their significance. It is acknowledged that there will be parts of the heritage asset which do not make a positive contribution and that the relative significance and contribution to significance of heritage assets should be considered where their loss or alteration is being proposed.

3.43 The existing buildings on the site are of limited visual merit and their demolition is considered acceptable providing a suitably designed new development is proposed.

Townscape:

3.44 The site is within the Moore Park Conservation Area, immediately adjacent to the Imperial Square Conservation Area and sits south of King's Road on the junction between Edith Row and Michael Road. To the north, the site adjoins the Hand and Flower public house, a locally listed Building of Merit and a row of terrace houses Nos.619-635 King's Road, to the west is a two storey residential dwelling, No.83 Waterford Road and a three storey dwelling, locally listed Building of Merit, No.87 Waterford Road and adjacent to the east is the Warrs Motorcycle Showroom.

Height, Scale, and Massing:

3.45 The context of Michael Road is an area in transition due to its proximity to the Fulham Gasworks site. The gasworks site accommodated several gas holders prior to its decommissioning, therefore, the backdrop to Michael Road was until recently industrial in nature with some structures of significant height and mass.

3.46 The South Fulham Riverside Supplementary Planning Document (Jan 2013) which relates to the land including the gasworks sites acknowledges west of Wandsworth Bridge building heights would generally be appropriate at 4 to 7 storeys. Along Michael Road proposed buildings of between 5 and 6 storeys would create an acceptable relationship of scale with lower existing buildings on the north side of those streets in and around Michael Road. Immediately, adjacent to the site is the Warrs Motorcycle Showroom where an application (2013/00474/FUL) is under consideration for a six storey building.

3.47 In this case, it is proposed to erect a part one/two/three/four storey plus basement building located to the southern edge of the site. The four storey scale proposed is compatible with the scale of adjacent buildings and achieves a satisfactory relationship with its immediate, two storey and three storey neighbours, including locally listed Building of Merits at No.87 Waterford Road and The Hand and Flower public house. The public house which sits behind the site on King's Road will remain as the tallest building in this small block. The mass has been reduced by setting back the fourth floor. A height of more than four storeys at this location would not be considered acceptable due to the context of the site. The footprint of the proposal is considered acceptable as is the scale and massing where it is considered in keeping with the surrounding buildings and local townscape.

Elevations and Materials:

3.48 The principal street elevations are well articulated with an attractive rhythm of brick bays that repeat across both facades and balconies with use of different materials and textures. The elevations are robust in their proportions and establish vertical proportions and a strong pattern of framing for the windows and balconies. The design character and quality of the proposed ground floor would be an important element of the new façades in Michael Road and facing Edith Row, as these frontages have a direct interface with the public realm. The ground floor frontage is sympathetic to the street frontage and has predominately floor to ceiling glazing creating a clearly expressed bottom for the building. The entrance to the car park follows the height of the windows at ground floor creating uniformity to the frontage.

3.49 The scheme proposes a simple palette of materials reflecting the vernacular of the surrounding buildings in terms of stone and brick, however using them in a contemporary lighter manner and using lighter tones in the brickwork. The elevations above ground level include strong vertical bands of light brickwork with dark brickwork in between giving the facades a contrasting appearance and make a strong design feature visible in long views from Michael Road and Edith Row. Bands of Portland Stone will be located beneath the terraces at second floor level. The use of bronze to the metal work and framing of windows and railings compliments the lighter brickwork, whilst giving a reference to the sites previous use, which gives a distinctive character to the corner site. The north elevation that faces the Hand and Flower Pub has recessed panels in the brickwork elevation to provide more depth and interest to the flank elevation when viewed from King's Road and Edith Row.

3.50 It is considered that the proposal development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. 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 and DM G7 of the DM LP and SPD Design Policies 44 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

QUALITY OF THE PROPOSED ACCOMMODATION

3.51 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.

3.52 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).

3.53 Borough Wide Strategic Policy H3 within the Core Strategy (2011) requires 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.

3.54 Policy DM A2 of DM LP states 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. Policy DM A9 of the DM LP recognises that design and quality of all new is of a high standard and will meet the needs of future occupants and respect the principles of good neighbourliness'. SPD Housing Policy 8 (iv) states that 'north facing (i.e. where the orientation is less than 50 degrees either side of north should be avoided wherever possible.'

Size of Units:

3.55 The 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. The London Plan, Table 3.3 set out the minimum gross internal area for new flats.

3.56 The proposed residential units have the following floor areas:

- 1 - bedroom units measuring between 50.1 sq.m and 57.9 sq.m (minimum requirement is 50sq.m);
- 2 - bedroom units measuring between 70 sq.m and 79.5 sq.m (minimum requirement is 61sq.m);
- 3 - bedroom units measuring between 94.2 sq.m and 119.7 sq.m (minimum requirement is 86 sq.m).

3.57 The proposed residential units accord with the minimum sizes set out in the London Plan.

Aspect and Outlook:

3.58 London Plan Housing SPG paragraph 2.3.31 recognises that a home with opening windows on at least two sides has many inherent benefits, including better daylight, a greater chance for direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a wider choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. The preference is therefore for dwellings to be dual aspect. SPD Housing Policy 8 (iv) states that 'north facing (i.e. where the orientation is less than 50 degrees either side of north should be avoided wherever possible.' The one bedroom units at first and second floor level facing Edith Row are single aspect facing a south-easterly direction. The remaining units are south facing or dual aspect and all are considered satisfactory.

3.59 As all the proposed dwellings would exceed the minimum dwelling size requirements of Policy 3.5 of the London Plan, are dual aspect and provide good levels of outlook, they are considered to accord with Policy H3 within the Core Strategy, Local Plan Policy DM A2 and A9 and SPD Housing Policy 8.

Daylight/Sunlight of New Dwellings:

3.60 BRE guidance provides a method for calculating the luminance of a room called Average Daylight Factor (ADF). The BRE sets the following recommended ADF levels for habitable room uses:

- 1% Bedrooms
- 1.5% Living Rooms
- 2.0% Kitchens

3.61 The applicant has provided a sunlight and daylight analysis that provides ADF figures for habitable rooms. Officers have considered these proposals conclude that all habitable rooms satisfy the target daylight levels set out in the BRE.

Floor to Ceiling Heights:

3.62 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 2.6m and above. The proposal accords with this requirement.

Amenity space:

3.63 The London Plan 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.

3.64 SPD Housing Policy 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. The policy continues to state that all new family dwellings should have access to amenity or garden space of not less than 36sqm. SPD Housing Policy 3 ensures that where balconies and/or terraces are provided to meet amenity space requirements they should have a minimum depth and width of 1500mm.

3.65 The ground floor, 3-bedroom unit, has satisfactory provision of 37.2sq.m. The 3 - bedroom unit at third floor level facing Edith Row has two terraces combining to 25.5sqm while the remaining 3 - bedroom unit at third floor level facing Michael Road allows for a 8.6sq.m terrace. The 4 x 1 bedroom units and 5 x 2 bedrooms units all have access to adequate amenity space. On balance, given the physical constraints of the site in this case the outdoor provision is considered acceptable in this case and generally accords with Local Plan Policy DM A2 and SPD Housing Policy 1 and 3.

Access:

3.66 London Plan Policy 3.8, Core Strategy Policy H4, Policy DM A4 of the DM LP, SPD Design Policy 1 (Inclusive design), SPD Design Policy 2 (Access to facilities inside a building) requires new residential development to be built to M4(2) (Accessible and Adaptable Dwellings) and/or M4(3) (Wheelchair Use Dwellings) of The Building Regulations 2010.

3.67 All the units are arranged in compliance with the spatial requirements and minimum room circulation space sizes, have been designed to comply with Part M of the Building Regulations. The proposal is therefore considered acceptable in terms of providing inclusive access.

Secure by Design

3.68 Policy BE1 of the Core Strategy and Policy DM G1 of the DM LP requires proposals to meet 'Secured by Design' requirements. The Council's crime prevention officer was consulted with no representations received. (Condition 21)

RESIDENTIAL AMENITY:

3.69 Policy DM G1 of the DM LP states all proposals must be formulated to respect the principles of good neighbourliness. Policy DM A9 of the DM LP seeks to ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness.' DM H9 and DM H11 of the DM LP relate to noise nuisance. SPD Housing Policies 7 and 8 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

3.70 The nearest adjacent properties are 619 - 635 King's Road and 83 and 87 Waterford Road.

Outlook:

3.71 SPD Housing Policy 8 (i) acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, 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. The closest residential properties are in King's Road and Waterford Road.

3.72 The five properties which border the site to the north (Nos.619, 621, 623, 625 and 627 King's Road) all possess large rear gardens which measure approximately 10m in depth. The rear boundary wall that adjoins the gardens to the site is historic in nature and measures approximately 2.5m in height. Therefore, it is considered reasonable to take the angle of 45 degrees from this height.

3.73 The proposed development at 1-3 Michael Road has been designed so that each ascending storey is set back sufficiently from the shared boundary wall so that the development does not infringe the notional 45-degree line. Furthermore, the third floor of the amended scheme includes an increased setback of 3.4m from the boundary with the Hand and Flower public house to ensure compliance with outlook standards. The proposal, by virtue of its revised reduced massing and alignment would not have an undue impact on outlook and sense of enclosure upon the occupiers along King's Road.

3.74 The properties at 83 and 87 Waterford Road shoulder the site to the west. In this instance the shared boundary wall at No. 87 measures approximately 2.6m in height.

Taken from this height, the proposal fails to comply with SPD Housing Policy 8(i). However, the opposing rear elevation of No.87 Waterford Road contains two windows facing the site, which serve a non - habitable communal stairwell at first and second floor level. The proposal would have no adverse outlook impact to No. 87 The Hand and Flower public house includes no approved habitable windows facing the application site. In the proposed redevelopment scheme for the Hand and Flower (2016/00842/FUL), the new units at first, second and third floor level are set substantially back from the boundary wall, and are multi aspect.

3.75 The development would not result in an unacceptable loss of outlook or increased sense of enclosure to the amenity of adjoining properties complying with DM Policy DM G1 and DM A9 and SPD Housing Policy 8

Daylight and Sunlight:

3.76 Officers have considered the Daylight and Sunlight report submitted by the applicants. A total of 35 windows on surrounding buildings were assessed. In terms of sunlight the proposals would be fully compliant with BRE guidelines. In terms of daylight, 4 windows achieve relative VSC values that are only marginally below the recommended value, however these relate to non -habitable or transient spaces. 1 window at No.619 King's Road achieves a VSC of 20% and a relative VSC of 0.79. This is a full - height patio door adjoins a deep dining room space that forms a rear extension to the property.

3.77 Officers acknowledge that the BRE Guidelines should be applied flexibly as natural light is only one factor affecting site layout. On this basis, it is considered that overall daylight and sunlight submitted are satisfactory. Officers consider that the habitable rooms and windows in King's Road would have sufficient access to daylight and sunlight after the development has been constructed complying with Policy DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 3 and 8 (ii) and guidance set out in the Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice".

Privacy:

3.78 SPD Housing Policy 8(ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

3.79 In the existing street context, the front elevation and associated windows would not result in loss of privacy as they face the Cooper House office block to the south and the Warrs Motorcycle Showroom to the east. However, an application (2013/00474/FUL) is pending consideration at the opposing Warrs site for the creation of residential scheme on the opposite side of the road. The windows would be no closer than any other residential street in an urban context.

3.80 Several windows to the side and rear elevations will be within 18m of neighbouring properties along King's Road and at No. 83 Waterford Road, however all of these will be located behind balconies enclosed within 1.7m high obscured balustrades or will be obscured glazed, preventing any loss of privacy (Condition 25). Several secondary

windows within the proposed flats at first and second floor level facing the western elevation of the redeveloped 87 Waterford Road. However, this elevation at No. 87 only contains two windows which both serve a communal stairwell.

3.81 It is considered that the proposal would not result in a loss of privacy or overlooking. The proposed development complies with Policy DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii).

Noise and Disturbance:

Terraces:

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

3.83 It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/terrace areas, however, on balance, having regard to the size of the proposed areas, (ranging from 2.5sqm to 14.3sqm) together with the location and the relationship with adjoining properties, it is not considered that the terraces would be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance. The terrace measuring 14.3sqm would be located at third floor level to the front elevation overlooking Edith Row and is considered acceptable in size due to its siting.

3.84 The proposed development would have no significant adverse impact on residential amenity in accordance with Policy DM A9, H9 and H11 of the DM LP and SPD Housing Policy 3 and 8 regarding noise.

Car Lift:

3.85 The scheme proposes a car lift and an internal lift in the building for the new units. The car lift is located to the Michael Road elevation, directly below Unit 102. The car lift would serve the basement and ground floor by a car 'stacker'

3.86 Condition 26 has been added which stipulates the need for noise mitigation to the mechanical elements.

Commercial/Residential Uses:

3.87 To ensure the amenity of occupiers of surrounding premises is not adversely affected by noise, Condition 20 has been added to ensure adequate sound insulation separating the commercial parts of the premises from the dwellings. Furthermore, Condition 27 has been added to secure details of operational hours for the commercial uses prior to occupation.

TRAFFIC GENERATION and CAR PARKING

3.88 Policy 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. The policies also provide guidance for the establishment of maximum car parking standards.

3.89 Core Strategy Policy T1 supports The London Plan. Policy DM J3 relates to housing with reduced parking whilst Policy DM J4 of the DM LP requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J2 of the DM LP requires new development to accord with the car parking standards set out in the London Plan. DM J6 relates to development affecting the borough's road network. These are supported by SPD Transport Policies 3, 6, 12, 22 and 33.

Car Parking:

3.90 The proposal would result in a net increase of 12 residential units. A basement car park would be provided with 6 off-street car parking spaces and one disabled bay, less than 0.6 parking space per unit, in line with Policy DM J2 of the DM LP. The parking spaces dimensions are in accordance with SPD Transport Policy 6, as is the car lift. Two electrical car charging points are also provided.

3.91 The site has a PTAL score of 6 using Transport for London's methodology, indicating that it has an excellent level of public transport accessibility. The surrounding on-street parking network experience high levels of parking stress. The proposed development will be car permit free and this would minimise the impact of the development on the on-street parking. This will be secured through the Section 106 agreement.

Car lift:

3.92 The basement car park would be accessed via a car lift. Information on the dimensions of this car lift has been submitted and reviewed by the Council's Highways team and are acceptable. Concern was expressed that vehicles would be emerging blind onto the Edith Row. Swept Path Analysis has been submitted and reviewed by the highways team. Proposed arrangements are acceptable, as the car lift would meet the required pedestrian visibility splays.

Cycle:

3.93 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy DM J5 of the DM LP encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities. This is supported by SPD Transport Policy 12.

3.94 For the residential units, secure storage for 35 bicycles is proposed. The plans indicate provision of cycle parking would be made at basement level for the residential

units. Four secure storage for the commercial units is proposed at ground floor level. The number of cycle spaces is considered satisfactory and is secured by Condition 29.

Servicing and Delivery:

3.95 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 sets out the Council's Waste Management guidance, supported by SPD Sustainability Policy 3, 4, 7, 8, 9 and 10.

3.96 Access by service vehicles such as removal lorries or delivery vehicles would be from Edith Row or Michael Road. A convenience store is assumed to generate three or four delivery movements per day. This captures a variety of deliveries including general food items, chilled and frozen deliveries, and daily bread deliveries, of which a store of this size is unlikely to require. Other uses within the retail class use would be unlikely to generate movements more than this. In addition, office and residential development on this site would be anticipated to generate less than the frequency of servicing for the retail unit. Given the low number of anticipated deliveries, it is considered these occurrences can safely be accommodated in permissible locations on both Michael Road and Edith Row. A single yellow line runs the full length of the eastern site boundary on Edith Row with no loading restrictions. In addition to the deliveries, weekly refuse collections conducted either by LBHF or a privately appointed waste collection company will collect waste from both the residential and commercial units. The location of the residential and commercial bin stores and in accordance with current commercial waste collections nearby, servicing shall take place from Edith Row. It is considered that the proposal would therefore not conflict with policies DM J1 and DM J6 of the LP in this regard.

3.97 The plans indicate the provision of refuse storage and recycling facilities at ground floor level for both residential and commercial. Conditions 30 and 31 are attached to the permission ensuring the provision of these arrangements. Condition 32 secures the submission of a Service Management Plan prior to occupation of the commercial units.

OTHER MATTERS

Environmental Quality:

3.98 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. London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires 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. Policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. Local Plan Policy DM H3 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDs)

Flood Risk and Sustainable Urban Drainage Systems (SUDs):

3.99 As required, a Flood Risk Assessment (FRA) has been provided with the application. The proposal is to demolish the existing buildings and construct a new building which will be used for mixed uses including residential use at ground floor and above. A basement is planned, but there will be no residential use at this level.

3.100 Although the site is in the Environment Agency's Flood Zone 3 which indicates a high risk of flooding from the River Thames, this does not take account of the presence of flood defences such as the Thames Barrier and local river walls which provide a high level of flood protection, so that there is a less than 1 in 1,000 annual probability of river or sea flooding. If the defences were breached or over-topped, Environment Agency modelling shows that the site is not in the rapid impact zone that would be affected by flood waters. The site is not in a surface water flooding hotspot, indicating that flood risks are low for this source, although there is the potential for elevated groundwater and sewer flood risks in this part of the borough.

3.101 The FRA states that the new development will incorporate flood resilient techniques to help protect the site from flood risks by including basement flood proofing measures, a non-return valve to protect against sewer flood risks and additional measures including a flood response plan are provided in the FRA. These measures are considered to be adequate and their implementation is conditioned (Condition 33).

3.102 In terms of managing surface water run-off from the site, the new development would significantly increase the amount of permeable surface at the site by including soft landscaped areas, green roof and permeable hard surfaces. It is also planned to integrate a soakaway on the site where run-off will be directed to infiltrate into the soil. Further details on the design of the soakaway are to be provided once infiltration tests have been carried out on the site, as covered in Condition 33. The Drainage Strategy is considered to be acceptable as it will significantly reduce surface water run-off from the site.

3.103 Overall, the proposed drainage and flood risk controls, as outlined in the submitted Drainage Strategy is acceptable subject to the confirmation of the issues highlighted above.

3.104 However, if SUDs is proposed for a site which is known or assumed to have had a previous contaminative use, the following things should be born in mind with regard to the use of infiltration drainage (SUDs);

- It is an offence to discharge contaminated water to ground; however, rainwater collected and discharged directly into the ground is assumed to be clean.
- It is an offence to discharge into contaminated soil; i.e. if there is a probability of flushing contamination into the local aquifer.

3.105 Therefore, the use of infiltration drainage in these circumstances would require an adequate knowledge of the nature and location of contamination on site to ensure that contamination is not flushed out. Therefore, any infiltration drainage system cannot be finally designed until a site investigation has been carried out, it is also possible that the use of infiltration drainage will be ruled out by the condition of the site. (See contamination section of this report.)

Carbon Emissions:

3.106 Policy 5.2 (Minimising Carbon Dioxide Emissions) in The London Plan states that the Mayor will work with boroughs and developers to ensure that major developments meet the following targets for CO₂ emissions reductions in buildings. The policy outlines stringent CO₂ reduction targets compared to the Building Regulation minimum requirements and requires that major development proposals include a detailed energy assessment to demonstrate how the targets for CO₂ emissions reduction are to be met. Policy 5.3 of The London Plan also states that major developments should meet the minimum standards for sustainable design and construction as outlined in the Mayor's SPG. The policies contained in the Core Strategy and Development Management Local Plan are in line with these standards.

3.107 An Energy Statement has been provided which shows that the applicant are meeting the required target for the non-residential aspect and have also achieved a high level of emission reductions for the residential units. The proposed measures meet the requirements for the non-residential aspects of the proposals, but there is a shortfall in terms of meeting the London Plan's requirement for major residential developments to achieve zero carbon emissions. The applicant has given an undertaking to meet this shortfall by making a payment in lieu of £10,152, which will be secured via the s106 Agreement. This will be used to implement local carbon reduction measures in the borough. The implementation of the CO₂ reduction measures has been conditioned (Condition 34) and secured by Section 106 Agreement.

Sustainability:

3.108 As required of a major development, a Sustainability Statement has been submitted with the application. This shows that the non-residential aspect of the development has been designed to meet the "Excellent" BREEAM rating in terms of sustainable design and construction. The new flats have been designed with reference to the requirements of the London Plan and the GLA Sustainable Design and Construction SPG and will achieve high levels of sustainability performance by meeting all of the Mayor's priority targets.

3.109 Details of a range of sustainability measures have been submitted including energy efficiency measures, low/zero carbon systems in the form of solar PV panels on the roof, water efficiency measures, use of environmentally low impact materials and separation of waste and recyclables. The attainment of an "Excellent" BREEAM rating for the non-residential floorspace and the GLA's priority sustainability measures for the new residential units is acceptable in terms of complying with the requirements of London Plan policy 5.2 and Local Plan policy DM H2 on sustainable design and construction. (Condition 35 - 36)

Air Quality:

3.110 London Plan Policy 7.14, Core Strategy Policy CC4 and Policy DM H8 of DM LP seek to reduce the potential adverse air quality impacts of new major developments by requiring all major developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.

3.111 The Council's Environmental Quality team have considered the proposal and have recommended a number of conditions relating to air quality, namely in relation to Gas Boilers Compliance with Emission Standards, Low Emissions Strategy, and Non Road Mobile Machinery (NRMM). This has been secured by Conditions 37 - 40.

Building Emissions

3.112 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 NOx boilers with maximum NOx Emissions of under 0.040 g/kWh in addition to enhanced fabric insulation in exceedance of Building Regulations Part L 2010.

3.113 All planning development should comply with London Plan Policy 7.14 (a-e). A minimum benchmark requirement is the provision and installation of Ultra Low NOx boilers with maximum NOx Emissions of under 0.040 g/kWh in addition to enhanced fabric insulation in exceedance of Building Regulations Part L 2010. These are outlined as part of air quality requirements in Conditions 41-43.

Contamination:

3.114 Policy 5.21 of the London Plan, Core Strategy Policy CC4 and Policy DM H7 and H11 of the DM LP states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

3.115 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 would be attached covering the assessment and remediation of contaminated land if the application were to be approved (Conditions 44 - 48).

Community Infrastructure Levy:

3.116 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. An estimate of £58,028.00 based on the additional floorspace has been calculated. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at www.london.gov.uk. The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3.

Local CIL:

3.117 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September

2015. An estimate of £464,222.00 based on the additional floorspace has been calculated.

PLANNING OBLIGATIONS:

3.118 London Plan Policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability. Core Strategy Policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.

3.119 In the event that planning permission were to be acceptable, in accordance with Section 106 of the Town and Country Planning Act 1990 (As Amended) the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following Clauses:

(1) Developer to pay £750,000 contribution to affordable housing.

(2) Developer to pay £10,152 to account for the shortfall in terms of meeting the London Plan's requirement for major development to achieve zero carbon emission.

(3) Parking permit free development.

(4) Developer to pay for Highway Works comprising of the following:

(i) footway repaving;

(ii) reconstruction of the crossover fronting Edith Row.

4.0 CONCLUSION AND RECOMMENDATION:

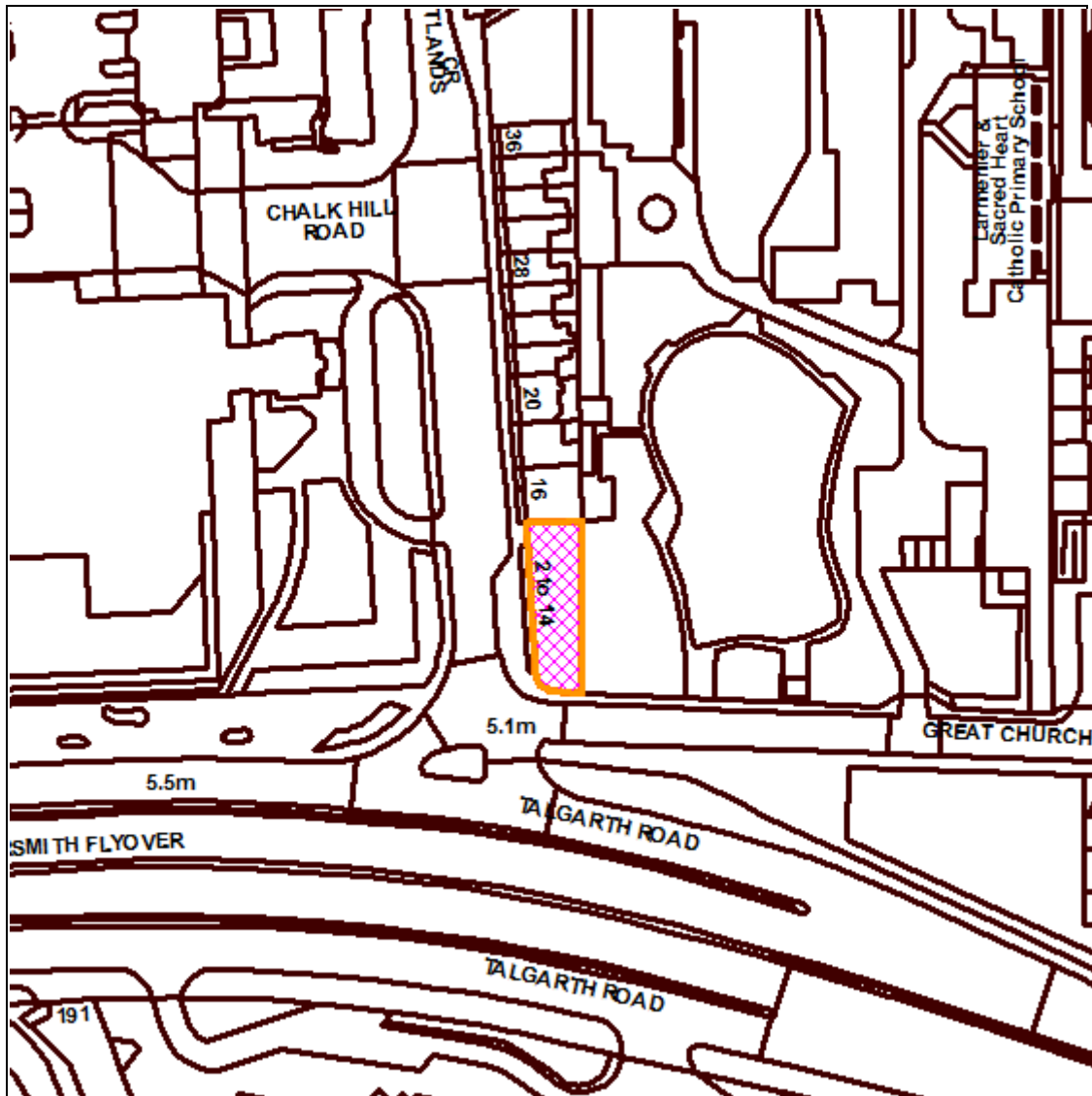
4.1 The proposed demolition is acceptable given that the buildings being demolished are not of architectural merit, or listed. The proposed development would create well-designed mixed use - residential scheme that would complement its setting and protect the character of the conservation area. The proposal would improve the appearance of the site and the surrounding area. The development has an acceptable impact on neighbouring living and working conditions. The impact of the development subject to conditions would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Core Strategy, DM LP and Planning Guidance Supplementary Planning Document Policies.

4.2 It is recommended that the application be approved subject to conditions and completion of a satisfactory Section 106 agreement.

Ward: Avonmore And Brook Green

Site Address:

2 - 14 Shortlands London W6 8DJ



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Reg. No:
2016/04025/FUL

Case Officer:
Neil Egerton

Date Valid:
12.09.2016

Conservation Area:

Committee Date:
18.04.2017

Applicant:

Viewranks Ltd
C/o Agent

Description:

Demolition of the existing building and redevelopment for a mixed use development comprising a building of 3 and 9 storeys plus basement to provide 11 residential units and 691sqm (GEA) of office (Class B1) space (with plant provided in the basement).
Drg Nos: P1-100, P1-101, P1-102 Rev P1, P1-103 Rev P1, P1-104, P1-199, P2-101 Rev P1, P2-102, P3-101 Rev P1, P3-102, P3-103, P3-104 Rev P1, P4-101, P4-102

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Lead Director for Regeneration Planning and Housing Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

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

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

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

P1-100, P1-101, P1-102 Rev P1, P1-103 Rev P1, P1-104, P1-199, P2-101 Rev P1, P2-102, P3-101 Rev P1, P3-102, P3-103, P3-104 Rev P1, P4-101, P4-102.

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 development hereby approved, Demolition Management Plan and Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include length of time for the obstruction of the footway and control measures for pedestrian safety, 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 and details of temporary site fencing/means of enclosure to be erected prior to any demolition

works take place. 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 and Construction Logistics Plan shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of demolition and 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, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 5) Prior to commencement of the development hereby permitted (save for demolition and site clearance), the following details of the new building in plan, section and elevation drawings at a scale of no less than 1:20 shall be submitted to, and approved in writing by, the Council. The development shall be carried out and permanently retained in accordance with the approved details:

- a) All new elevations
- b) Balustrades and balconies
- c) All roof level excrescences including blue/green roofs and PV/solar panels
- d) Junctions with adjacent buildings and structures

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the setting and special architectural and historic interest of the locally listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, and DM G7 of the Development Management Local Plan (2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 6) Prior to commencement of the development hereby permitted (save for demolition and site clearance), details of all new external materials to be used in the development including curtain walling, cladding and roofing materials shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the setting and special architectural and historic interest of the locally listed building in accordance with policies 7.1, 7.6

and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, and DM G7 of the Development Management Local Plan (2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 7) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevations of the building 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 of the Development Management Local Plan (2013).

- 8) 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 of the Development Management Local Plan (2013).

- 9) 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 Policy BE1 of the Core Strategy (2011) and Policy DM G1 of the Development Management Local Plan (2013).

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2016 or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential 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 proposed single family dwellings 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)

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2016 (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 buildings in accordance with Policy BE1 of the Core Strategy (2011) and Policy DM G1 of the Development Management Local Plan (2013).

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

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policies BE1 and CC4 of the Core Strategy (2011) and Policies DM G1 and DM G8 of the Development Management Local Plan (2013).

- 13) No external roller shutters shall be attached to the office frontages to Shortlands or Great Church Lane.

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

- 14) A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the Council's Supplementary Planning Guidance.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of The London Plan (2016), Policy H4 of the Core Strategy (2011) and Policy DM G1 and A4 of the Development Management Local Plan (2013).

- 15) 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 the floor/ceiling structure between the 7th and 8th floors. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 16) 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 external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 17) 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.

- 18) 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/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 H11 of the Development Management Local Plan.

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 20) 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 use 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.

- 21) With exception to the private roof terrace areas shown on approved drawings, 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 other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

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).

- 22) Prior to the first occupation of any non residential units, details of operational hours for the unit shall be submitted to and approved in writing by the Council. Use of the units shall accord with the hours as approved.

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

- 23) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential and commercial development hereby approved, as indicated on the approved drawing no.P1-100 and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

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

- 24) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing P1-100.

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).

- 25) Any refuse/recycling generated by the residential or commercial units and commercial units hereby approved shall be stored in the refuse stores forming part of the details approved pursuant to Condition 29 and shall not be stored on the pavement or street.

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).

- 26) Prior to occupation of the commercial units, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 27) Prior to the commencement of the development hereby permitted (save for demolition and site clearance), confirmation of the surface water management proposals, having assessed and integrated where feasible, the inclusion of rainwater harvesting for re-use into the blue roof system proposed shall be submitted to and approved in writing by the Council. The strategy shall aim to achieve greenfield run-off rates for the final discharge of surface water from the site and shall demonstrate how run-off from the whole site would be managed by on-site.. The development shall only be carried out and occupied/used in accordance with the details approved. The development shall be permanently maintained as such thereafter.

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

- 28) The development hereby permitted shall not commence (save for demolition and site clearance) until a maintenance programme for all sustainable drainage systems, including timeframes for the planned maintenance measures and confirmation of the maintenance provider, have been submitted to, and approved in writing by, the Council. The sustainable drainage systems maintenance scheme 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 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.

- 29) Prior to the commencement of the development hereby permitted (save for demolition and site clearance), confirmation of the flood proofing method for the enlarged basement shall be submitted to and approved in writing by the Council. The development shall only be carried out and occupied/used in accordance with

the details approved. The development shall be permanently maintained as such thereafter.

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 (2016), Policy CC1 and CC2 of the Core Strategy (2011) and Policy DM H3 of the Development Management Local Plan 2013.

- 30) 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 Sustainability and Energy Statement (Version 1 A dated 27.05.16). 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.

- 31) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability and Energy Statement (Version 1 A dated 27.05.16). 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.

- 32) The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Sustainability and Energy Statement (Version 1A dated 27.05.2016). Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the agreed BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy 5.3 of The London Plan 2011, Policies DM G1 and H2 of the Development Management Local Plan 2013 and Policy H3 of the Core Strategy 2011.

- 33) Prior to commencement of the development, (excluding site clearance and demolition) a report including detailed information on the proposed mechanical ventilation system with NO_x, PM₁₀ and PM_{2.5} filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake locations and the design details and locations of windows on residential floors to demonstrate that they avoid areas of NO₂ or PM exceedance or include appropriate mitigation. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof

gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

To 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).

- 34) No development shall commence until an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 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. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Majors SPG and should include an inventory and timetable of dust generating activities during demolition and construction; Dust and Emission control measures for this High Risk site including on-road construction traffic e.g. use of Low Emission Vehicles, and Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. 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).

- 35) Prior to the commencement of the development (excluding site clearance and demolition) a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must 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 NOx 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 NOx and Particulates from on-site transport during construction and operational phases e.g. use of Low Emission Vehicles, and energy generation sources. 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 transport and building emissions 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).

- 36) Prior to the commencement of the development (excluding site clearance and demolition) 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% O₂). 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 (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 the commencement of the development hereby permitted 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 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.

In the interest of air quality, to comply with the requirements of the NPPF (2012), Policies 7.14a-c of The London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 38) Prior to commencement of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 39) 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.

- 40) 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.

- 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, 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.

- 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, 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.

- 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 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.

- 44) 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.

Justification for Approving the Application:

- 1)
 1. Land Use: It is considered that the proposed land uses are acceptable. The loss of a small percentage of B1 office floorspace and the provision of replacement B1 floorspace to a modern standard is deemed satisfactory, in accordance with the NPPF (2012), Policy 4.2 and 4.3 of the London Plan (2016), Policy B and LE1 of the Core Strategy (2011) and Policy BE1 of the Development Management Local Plan (2013).
 2. Design: The proposed development would be a quality development which would make a positive contribution to the urban environment in this part of the Borough. The proposed development would be compatible with the scale and character of existing development and its setting. The development would therefore be acceptable in accordance with the NPPF (2012), 7.1, 7.2, 7.3, 7.4, 7.5, and 7.6 of the London Plan (2016), Policy BE1 of the Core Strategy (2011), Policy DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 44 of the Planning Guidance Supplementary Planning Document (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
 3. Residential: The development of the site for residential is considered acceptable, in accordance with the NPPF (2012), Policy 3.3 of the London Plan (2016), Policies H1 and H4 of the Core Strategy (2011) and Policy 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 satisfactory having regard to Policies 3.4, 3.5 and 3.8 of the London Plan (2016), Policies H2, H3 and H4 of the Core Strategy (2011) and Policies DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policy 1 and 3 of the Planning Guidance 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 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 Supplementary Planning Document (2013).

5. Transport: The site has a high public transport accessibility level (PTAL 6b). There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. A legal agreement will secure satisfactory car permit free dwellings, and conditions will ensure provision of cycle and refuse storage. 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 (2016), Policies T1 and CC3 of the Core Strategy (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. 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 Policy 3.8 of the London Plan (2016), Policy H4 of the Core Strategy (2011), 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 Supplementary Planning Document (2013).

7. 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. Further necessary details have been secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 London Plan (2016), Policies CC1 and CC2 of the Core Strategy (2011), Policy DM H3 of the Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance Supplementary Planning Document (2013).

8. 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 Supplementary Planning Document (2013).

9. Air Quality: Subject to additional air quality, mechanical ventilation and fresh air intake details, the proposal will ensure neutral air quality outcomes in accordance with Policies 3.2, 5.3 and 7.14 of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

10. Planning Obligations: The application proposes that its impacts are mitigated by way of financial contributions to fund improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan 2016 and Policy CF1 of the Core Strategy 2011.

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

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 9th September 2016
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2012
The London Plan 2016
LBHF - Core Strategy Local Development Framework 2011
LBHF - Development Management Local Plan 2013
LBHF - Planning Guidance Supplementary Planning Document
2013

Consultation Comments:

Comments from: Thames Water - Development Control	Dated: 30.09.16
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Neighbour Comments:

Letters from: 16 Shortlands London W6 8DJ 18 Shortlands London W68DJ	Dated: 13.10.16 12.10.16
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1.0 BACKGROUND

1.1 The application premises comprise a three storey property situated on the eastern side of Shortlands, at the junction with Great Church Lane. The premises provide B1 office accommodation (650sqm approx), which is currently dated in terms of design and facilities and has suffered from periods of vacancy. To the north of the site is Shortlands a residential terrace, to the south is Talgarth Road, to the east are the grounds of Nazareth House, and to the west is the Novotel building.

1.2 The site is not situated within a conservation area. The site is located within Flood Zone 2.

1.3 Relevant History

1980 - Planning permission (1980/02190/FUL) granted for the erection of an additional storey at second floor level and change of use to offices. This was implemented.
- Numerous applications were made in 1980s and 1990s for advertisement displays.

2010 - Planning permission was granted for the erection of a part single storey, part two storey extension at roof level to provide an additional 185sqm of B1 floorspace, provision of access ramp and general refurbishment of the building. This was not implemented.

2013 Planning permission (2013/02813/EFUL) was renewed (August 2013) for the development above. This was not implemented.

2015 A determination under Schedule 2, Part 1, Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) order 2013 was made to allow the change of use of part of the building from offices (Class B1) into 6 no self-contained flats (Class C3). This has not been implemented, but remains valid until May 2019.

1.4 The current planning application is for the demolition of the existing building and redevelopment of the site for a mixed use development comprising a building of between 3 and 9 storeys in height plus basement, to provide 11 residential units and 691sqm (GEA) of office (Class B1) space.

Evolution of Scheme

1.5 Prior to submitting the planning application, the developers held a public exhibition on-site, inviting local residents, amenity groups and other interested parties. This was held on 10th March 2016. Their records indicate that no residents attended, though information was sent out later to a neighbour who contacted them. Although a feedback form was provided, no written responses were received.

1.6 In support of their application the applicants have stated that:

- contribute to creation of a mixed use area and incorporate appropriate uses
- provide high quality residential accommodation and office space in an area with excellent public transport links
- provide active frontages at ground floor level
- contribute to housing demand for the area
- retain an existing office use

2.0 PUBLICITY AND CONSULTATIONS

2.1 The planning application was publicised by way of press and site notices and notification letters (279) were sent to individual properties in surrounding buildings/streets.

2.2 As a result of these notifications, responses were received from 2 properties in Shortlands. These responses (from 16 and 18 Shortlands) objected to the proposed development and these objections can be summarised as follows:

- Loss of light
- Conflict with policy
- Overlooking and loss of privacy
- over shadowing
- Loss in value of property

2.3 The following groups and statutory bodies were also consulted: Hammersmith Society, Hammersmith and Fulham Historic Buildings Group, Crime Prevention Design Advisor, Environment Agency, Thames Water.

2.4 The Hammersmith Society responded to state that:

- While care has been taken over aspects of the design, such as stepping it back from the adjoining two-storey residential dwellings, we consider the redevelopment of the site to be an opportunity missed.
- The context of this site is the Novotel hotel opposite, and the roaring Talgarth Road a few yards away, topped by the flyover. The site is not in a conservation area nor near any listed buildings, although within view from listed buildings on the south side of Talgarth Road. Apart from the residential houses on the east side Shortlands is a grim, concrete throughway not worthy of Hammersmith. It is also a site that is only just outside the Hammersmith Town Centre as defined in the emerging Local Plan, Masterplan and potential SPD. It surely deserves better.
- We would prefer to see an innovative, stylish design far more ambitious than the one presented. We are looking for a building which lifts the street while not harming the amenities of residents.
- We are not commenting on the details of the design. We consider it to be dull. We object to the application and request that the developer reconsider the opportunities of the site.

2.5 Thames Water responded to request a condition in regard to piling and drainage, as well as a number of informatives.

2.6 The Environment Agency, Historic Buildings Group and Crime Prevention officer have not responded to the notification.

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; impact of the design, scale and appearance of the proposed new building, impact on the setting of the nearby locally listed Building of Merit; the effect on the amenities of residents in the locality; the quality of the proposed residential units; security, highways impacts and parking; environmental issues including flood risk and contamination.

LAND USE

3.2 The proposal seeks consent for the demolition of the existing building and redevelopment for a mixed use development comprising a building of 3 and 9 storeys plus basement to provide 11 residential units and 691sqm (GEA) of office (Class B1) space (with plant provided in the basement). The main policy issue is the replacement of the existing office space and the introduction of the residential uses on the upper floors.

Replacement Office Space

3.3 Policy LE1 of the Core Strategy `Local Economy and Employment` seeks to ensure that accommodation is available for all sizes of business including small and medium sized enterprises by:

- requiring flexible space suitable for small and medium sized enterprises in large new business developments; and
- retaining premises capable of providing continued accommodation for local services or significant employment.

3.4 Policy DM B1 `Providing for a range of employment uses` of the DMLP states 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.

3.5 The existing office space is in need of updating. The proposal will provide office accommodation (545 sqm GIA) which is a slight reduction in the current provision (650 sqm GIA) but this will result in improved B1 accommodation with more modern facilities. Officers support the re-provision of employment space and consider the reduction in floorspace is acceptable in this instance.

3.6 The proposed Class B1 office use at ground to second floor is acceptable in this location. It would be compatible, subject to conditions, with the residential use proposed above, and on neighbouring properties. The impact/harm to residential amenity and highways/parking etc, amongst other issues are considered below in the appropriate sections of the report.

Proposed Residential

3.7 The local area has mixed land uses, with hotel, offices and residential premises close by. Council's Core Strategy supports applications for residential accommodation as part of mixed use development schemes. However, all residential applications will need to demonstrate satisfactorily that the proposals meet planning policies with regard to mix, affordability, density, and design.

3.8 The London Plan (2016) policy 3.3 (Increasing Housing Supply) states that there is a pressing need for more homes in London and that boroughs should seek to exceed the minimum target through the intensification of brownfield land. Policy 3.3B states that an annual average of 42,000 net additional homes should be delivered per annum in London. Within this overall aim, Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham (excluding an increment in provision in the Earls Court West Kensington Opportunity Area).

3.9 Policy 3.3D of the London Plan states that boroughs should seek to achieve and exceed the housing targets set out in Table 3.1 of the plan.

3.10 Core Strategy Policy - H1 Housing Supply requires the council to work with partner organisations and landowners to exceed the proposed London Plan target of 615 additional dwellings a year up to 2021 and to continue to seek at least 615 additional dwellings a year in the period up to 2032. The Core Strategy details an indicative housing target of 1,200 new homes in the borough outside of the five identified regeneration areas during the 10-year period 2012-2022. The Core Strategy envisages 1,000 of these will be delivered by 2017.

Affordable Housing

3.11 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.

3.12 The proposed development would provide 11 new residential units, so affordable housing would normally be required. No affordable housing is proposed as part of this development, and the applicants have submitted a financial appraisal which concludes that it would not be viable to provide any on site in this case. The applicants would need

to pay for local Highways works associated with the scheme, and have offered a S106 contribution towards economic development and local cycling initiatives.

3.13 The Council has had the financial appraisal independently assessed. The variables and assumptions made in the applicants' appraisal have been tested with regards to this specific site. However, the findings of this assessment concur with the applicants' appraisal, that the inclusion of affordable housing for this small scheme would not be viable in this instance.

Housing Mix

3.14 Policy DM A3 of the DMLP seeks for a mix of unit sizes to be provided, with the mix being considered on a site by site basis with regard to viability, locational characteristics, and site constraints. Policy H4 of the Core Strategy reinforces this position

3.15 The proposed development provides a mix of residential units on the site. There would be:

5 x 1 bed units (2 person)

5 x 2 bed units (4 persons), and

1 x 3 bed unit (5 persons)

3.16 Officers consider that with the development located adjacent to the busy Talgarth Road (A4), that further family sized units would not be appropriate in this location. On balance it is considered that the mix of units proposed is acceptable, and the scheme would comply with policies DM A3 and Core Strategy H4.

Density

3.17 The NPPF (paragraph 47) states that in order to boost significantly the supply of housing, local planning authorities should set out their own approach to housing density to reflect local circumstances.

3.18 London Plan Policy 3.4 (Optimising Housing Potential) seeks to ensure that development optimises housing output for different types of location considering local context and character, design principles and public transport capacity.

3.19 The site has a Public Transport Accessibility Level (PTAL) of 6b and this indicates a guideline density range of 650 - 1100 HR/Ha. The proposed development has a density of 1058 HR/Ha and is therefore in compliance with the guideline density range as set out in the London Plan.

3.20 In conclusion, the proposed density is at the higher end of the spectrum of the London Plan guidance, however, officers consider the density is acceptable, given the location and transport accessibility of the site and the resultant acceptable quality of the residential accommodation. The proposed residential density is considered to be acceptable and would accord with London Plan policy 3.4, Core Strategy Policy H3, Local Plan Policy DM A2 and the guidance within the Mayors Housing SPG.

QUALITY OF ACCOMMODATION

Size, lighting, aspect, amenity space

3.21 Policy H3 of the Core Strategy states that all housing development will be expected to, amongst other things, meet satisfactory internal and external space standards and provide a high quality residential environment.

3.22 All the proposed flats would be dual aspect (primary aspect is west facing) which is acceptable and in accordance with criteria 4 of Housing Policy 8 of the Planning Guidance SPD. Therefore, all units would receive acceptable levels of light within.

3.23 Regarding the outlook afforded to future occupiers, officers have carried out a 45-degree angle test from the centre point of each new window to investigate whether this notional 45-degree line intersects any existing building. Since the 45-degree angle line would not intersect any existing building officers consider that outlook to future occupiers would be acceptable.

3.24 Policy 3.5 and Table 3.3 of The London Plan, Core Strategy Policy H3, Policy DM A9 and Policy DM A2 of the DMLP 2013, and Planning Guidance SPD 2013 Housing Policy 1, expect all housing developments to be of a high quality design and be designed to have adequate internal space and amenity space. Policies DM E1 and DM A9 require all new developments to make provision for open space to meet the needs of the occupiers and users. SPD Housing Policy 1 relates to amenity space in new dwellings. It states that all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. It states that every new family dwelling should have direct access to amenity or garden space of not less than 36 sq.m. For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. Para 4.6 of the SPD states that 'In relation to the provision of private gardens and amenity space the council will expect to see a more generous provision of outdoor amenity space than the minimum standards' (in the London Plan SPG). The Mayor's Housing SPG 2012 states that a minimum of 5 sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq. m should be provided for each additional occupant.

3.25 Each of the proposed units has been designed to meet or exceed the space standards for unit sizes as outlined in Policy 3.5 and Table 3.3 of The London Plan 2016. The one bedroom units measure 50 sqm, the 2 bed units measure 70 sqm, and the 3-bedroom unit measures 87sqm.

3.26 All the proposed units would have amenity spaces in the form of a balcony or winter garden (5sqm for the 1 bed units and 9 sqm for the 2 bed units. These will be enclosed areas, due to the air quality issues in this vicinity. The 3-bedroom unit has a terrace measuring some 31.9 sqm and a winter garden of approx. 9sqm. This is private roof terrace.

3.27 The amenity space is in compliance with the London Plan requirements. It is not possible to increase the amenity space for the 1 and 2 bed units without reducing unit sizes to below standard or reducing the numbers of units provided. Further public amenity space is available in Frank Banfield Park (approx. 400m from the application premises. Considering that the site area is very constrained and given the urban location adjacent to the A4 and flyover, no objections are raised to the amenity space provision in this instance.

Accessibility

3.28 At least 10% of the units will be wheelchair accessible or easily adaptable units (WAU) in line with the requirements of Policy DM A4 and the London Plan (2016) Policy 3.8 including Building Regulations M4(3).

3.29 All units have been designed in line with the latest good practice principles set out in the London Plan policy 3.8 which requires that 90% of dwelling achieve Part M4(2) and 10% of units being wheelchair adaptable in accordance with Part M4(3). The development is therefore considered to be acceptable in accordance with Policies 3.8, 6.12 and 7.2 of the London Plan (2016), policy H3 of the Core Strategy 2011 and policy DM A4 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

DESIGN MATTERS

3.30 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.

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

3.32 Core Strategy Policy BE1 (Built Environment) requires that All development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. The design should include an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places'.

3.33 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.'

DESIGN/APPEARANCE

3.34 The application site lies within a very diverse townscape on the edge of Hammersmith Town Centre, surrounded by the Hammersmith Flyover to the south, the modern 12-storey Novotel building to the west, the gardens of Nazareth House to the east and situated at the southern end of a 2-storey Victorian terrace in Shortlands. Nazareth House is the only heritage asset in the vicinity, designated as building of merit.

3.35 The existing building on site neither responds satisfactorily in massing and design to the Victorian terrace, nor to the larger scale townscape along the flyover. It appears,

due to lack of detailing and hierarchy, somewhat squat and unfinished and its relationship to the adjoining garden is uncomfortable. A taller, more confident building would potentially provide some townscape context along the flyover and mediate between the various scales and characters of the adjoining sites.

3.36 The proposed replacement building consists of a 3-storey element providing an intermediate step to the Victorian terrace, and a taller, 9-storey element at the southern end of the site. The lower element would be a simple, flat-roofed building with brick cladding and irregular, punched window openings while the 9 storey tower would consist of 8 brick-clad storeys (north, east, and west elevation) with regular punched openings that would be refined by recessed brick and zinc panels and glazing to suit the various degrees of openness required for the different elevations. A 9-storey zinc and glass curtain wall-clad element, fully visible in the south elevation and the zinc-clad top visible at roof level, would appear "inserted" into the brick tower, further emphasised by incorporating zinc panels in the window openings. The roofs would have green/brown roofs as well as a blue roof.

3.37 The scale of the building orientates itself on the large developments (12-18 storeys) along the north side of Talgarth Road where it is considered to contribute to forming a stronger urban edge facing the A4 and mark the interface between the A4, the town centre and the historic townscape of Hammersmith. The proposed height would create a slender form that would provide visual interest and animation, in particular in views from the flyover towards the exposed south elevation with its winter gardens behind the tall glass curtain wall. The detailed design of the elevations responds to the variety of site conditions and constraints in terms of materials, arrangement and size and design of openings.

3.38 The east elevation is located on the boundary to the grounds of Nazareth House, a convent and care home, and faces the gardens to the south of the historic building. The number of windows in this elevation has been reduced significantly and fixed, frosted glazing is proposed in order to retain the privacy of the gardens while the rhythm of openings remains visible by incorporating blind windows. These continue into the ground floor.

3.39 The development would not visually harm Nazareth House (locally listed building of merit) due to its distance from it and the existing backdrop of large buildings to the west of Shortlands. The new development would increase the sense of enclosure within the garden of Nazareth House by additional height on the site. However, given the context of the Novotel site, this is considered to be marginal in views from the gardens. In the north elevation, the number of openings has also been reduced to respect the privacy of the residents in the Victorian terrace.

3.40 At ground level, the entrances are orientated towards Shortlands rather than Great Church Lane/Talgarth Road. The Great Church Lane ground floor elevation is not overlooked and is inactive within a recess and over a grille-covered lightwell that potentially emits extract air. This is a contrasting continuation of the convent's boundary wall along the lane and would reinforce the pedestrian environment of Talgarth Road.

3.41 A high quality degree of depth and refinement of the façades and materials should be demonstrated by submitting further details as part of the conditions. The architects should confirm that the brick facades would consist of hand-laid brickwork rather than

brick-slip panels which can result in unsightly expansion joints that give brickwork a flat, tiled appearance.

3.42 The detailed design and final finish would be secured by conditions requiring 1:20 scaled drawings (condition 05) clearly through the façade which should show the depth of window reveals and detailing, and materials (condition 06) to be submitted for approval. Subject to these, the proposal is considered acceptable as it would respect the scale, mass, form and grain of surrounding development and have an acceptable relationship with the existing townscape, in accordance with London Plan Policies 7.1, 7.4. and 7.6, Core Strategy Policy BE1, and DMLP policy DMG1.

3.43 The proposal is also considered to be in accordance with the core planning principles in the NPPF which states that 'Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

IMPACT ON NEIGHBOURS:

Outlook

3.44 The application site is at the southern end of Shortlands and adjoins the two storey residential terrace. The primary windows for the Shortlands properties are on the east and west sides of the houses, which do not face towards the application site. Accordingly, officers consider that there would be not harm to outlook for neighbouring properties.

Daylight

3.45 No.16 Shortlands has a rear room at ground floor level with a glazed roof, and no.18 has a roof terrace to the rear of the site.

3.46 As stated above the adjoining properties have their primary windows on the east and west faces, and not facing towards the proposed development. Therefore, officers are satisfied that daylight will not be demonstrably harmed as a result of the development. With regards to the light received by the glazed roof to the rear of 16 Shortlands, this will be affected by the existing layout of their own property, and the impact will not be demonstrably worsened as a result of the proposed development.

Sunlight

3.47 With regard to the impact on sunlight, the applicants have assessed this under the BRE guidelines. The guidelines allow development where it will not result in more than 50% of gardens/amenity spaces being left with less than 2 hours of sun on the ground where measured on the Spring equinox. The applicants have provided sunpath analysis to demonstrate the impact on the immediately adjacent properties to the north as well as the gardens of Nazareth House. This analysis demonstrates that the development complies with the BRE guidelines. Officers have assessed this analysis and are satisfied that it is robust. Therefore, no objections can be raised in terms of impact on daylight or sunlight.

Privacy

3.48 Part 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'. It is also stated that 'a roof terrace can cause

considerable loss of privacy, dependent on its size and location' and that '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.'

3.49 As stated above, the primary windows for the neighbouring properties face east and west and therefore, the north facing windows of the development do not have direct views into the properties. These windows provide access onto the rear balconies (3rd to 7th floors). The balconies themselves are on the western edge of the building and would only afford an oblique view onto the roof of the ground floor rear extension of no.16 (though this view is already partially blocked by the property itself. Some oblique views would be afforded onto the roof terrace at no.18, at around the distance of 18m, but these would not result in any undue harm. The other windows on the north elevation are to bathrooms.

3.50 The larger terrace on top of the development (8th Floor) will be surrounded by a glazed 1.8m high balustrade to the sides, and it is over 18m away from the small glazed roof (rear of no 16) and the terrace at no 18. Therefore, there no concerns with regards to loss of privacy. There are no views into windows at Nazareth House in breach of the standards.

Noise and disturbance to neighbours:

3.51 The proposal also must be considered for its potential impact on neighbours from noise and disturbance. 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'. Criteria 3 of 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'.

3.52 The balconies of the development on the northern side of the building at 3rd to 7th floor level are 5sqm in area, and would provide limited space for occupants. The larger terrace is at 8th floor level, and officers consider that given its height and position, and the high levels of background noise, that this would not result in demonstrable harm to adjoining properties amenities, as a result of noise nuisance and disturbance. Therefore, officers are satisfied that they would not result in significant noise nuisance and disturbance that would justify a refusal of planning permission.

Environmental Nuisance

3.53 Core Strategy Borough Wide Strategic policy aims to protect and enhance the environmental quality of the Borough. DM Local Plan Policy DMH9 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'.

3.54 The site adjoins existing residential properties on the northern side, but more importantly new residential units are proposed on the upper floors over the proposed office accommodation, with visitors / staff of the office having comings and goings. As such the office use must be carefully considered.

3.55 The office use currently exists (albeit with no residential accommodation above) and is compatible with the location just outside the town centre. There is a large hotel on the opposite side of Shortlands which has relatively high levels of pedestrian and vehicular activity and movement. The floor space of the offices would be slightly less than currently exists. It is considered that the provision of the office floorspace, built to modern standards would not be considered detrimental to the amenity of neighbouring occupiers, provided that the hours of operation are controlled. No specific hours of operation have been proposed by the applicants, therefore condition 22 requires these hours of operation to be reserved for future approval. In addition to this, given the very good public transport accessibility of the site and no parking proposed to be provided, people would be likely to use transport methods other than a private car to visit the site and therefore the proposed office use, in this location, would be unlikely to generate any increase in vehicle movement.

3.56 To ensure that the office use would not harm the amenities of occupiers of neighbouring properties, including the occupiers of the upper floors of the development, officers consider that conditions should be imposed with regard to enhanced sound insulation (Conditions 15, 17 and 19), the installation of suitable anti-vibration isolators (Condition no. 18), and artificial lighting (Condition 38). Subject to these conditions, it is considered that the proposed replacement office use would not result in harm to the existing residential amenities of surrounding occupiers because of noise and disturbance, and light spillage in accordance with Policies DM H9 and DM H11.

HIGHWAYS MATTERS

3.57 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.58 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.

3.59 Core Strategy Policy T1 supports The London Plan. Policy J1 of the Development Management Local Plan states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies DM J2 and DM J3 of the with Development Management Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Transport Policies 3 and 7.

3.60 The site which is located close to Hammersmith Broadway is very well served by public transport and has a Public Transport Accessibility level (PTAL) of 6b, which is classified as 'excellent' in terms of its proximity to the public transport networks, service

availability and walking time to public transport. There are a variety of shops and services locally, with easy access to central London and links to major transport nodes.

Car Parking

3.61 The applicants propose that no off street parking is provided for the development and given the limited size of the application site, none could be reasonably provided. Furthermore, the applicants propose that the occupiers of the new residential accommodation would not be entitled to on-street car parking permits and is secured through a S106 agreement. The applicants Transport Statement indicates that the development would result in an additional 59 two way trips per day for the development. Viewed against the combined frequency of public transport services and the proximity of services and facilities, it is considered that the development would not have a detrimental impact on the surrounding transport network.

Deliveries, servicing and refuse collection

3.62 SPD Transport Policy 34 seeks off-street servicing for all new developments. Given the constraints of the site, servicing and deliveries and refuse collection are proposed to take place from the street.

3.63 Refuse stores would be provided at ground floor level within the new building, with separate stores for both commercial and residential parts of the building. The commercial refuse would be collected from Shortlands frontage and the residential waste/recycling collected from Great Church Lane frontage. Further information would be required with regard to servicing and deliveries and refuse collection. Therefore, a condition will be attached requiring the submission of a Servicing and Delivery plan.

Cycle Parking

3.64 Policy DM J5 and Table 5 of the Development Management Local Plan seek to ensure that satisfactory cycle parking is provided for all developments. The development provides safe and secure cycle parking provision for both the commercial and residential parts. At ground floor level, 18 spaces are provided for the residential accommodation, with a separate area providing 10 spaces for the office accommodation. This provision is in line with the London Plan requirements. It is also required that 2 cycle stands are located in the vicinity of the site, this be included as part of the S106 requirements.

3.65 The development shows a proposed stopping up of the highway - reducing the width of the footway on the corner of Shortlands and Great Church Lane. Officers consider that it would be practicable to redesign the highway layout to address this narrowing. S106 would require, repaving the footway around the frontages of the site, reconstruction of the footway and carriageway to address the narrowing which would result from the proposed stopping up.

Demolition and Construction Logistic Plans

3.66 A draft demolition and logistics plan was submitted with the application. At this stage, many of the issues have been accepted and officers consider that subject to conditions for the submission of a Demolition Logistics Plan (DLP) and Construction Logistics Plan (CLP) in accordance with TFL guidelines for further approval, no objections are raised on these matters.

Conclusion on Highways Matters

3.67 Given the nature of the proposed uses and the highly accessible location, (and no parking) officers do not consider that it is likely that the proposals would have adverse impact on traffic generation or parking pressure. It is considered that the capacity of the existing highway network could sufficiently support the development without further detriment, and that the public transport capacity is sufficient to serve the trips that would be generated.

ENVIRONMENTAL MATTERS

Carbon reduction

3.68 Core Strategy policy CC1 requires developments to make the fullest contribution possible to the mitigation of and adaptation to climate change. Policy DM H2 of the Development Management Local Plan is concerned with promoting sustainable design and construction and states that sustainable measures should be included in developments and sustainability statements are required for all major developments to ensure that a full range of sustainability uses are taken into account. SPD Sustainability Policy 25 requires major planning applications to provide details of how use of resources will be minimised during construction.

3.69 As required, an Energy Statement has been submitted with the application. This outlines the energy efficiency and low/zero carbon measures proposed to be implemented in the scheme. The baseline energy use of the development, if designed only to meet the minimum requirements of the Building Regulations, is calculated to produce just over 62 tonnes of CO₂ a year (from regulated energy use). Passive design and energy efficiency measures such as use of improved insulation, better airtightness, low energy lighting and use of energy efficient plant/equipment and integration of renewable energy generation in the form of Air Source Heat Pumps (ASHP's) is calculated to reduce energy use sufficiently to cut CO₂ emissions by around 43%. This meets the London Plan CO₂ reduction target of 35%. This would be secured by condition.

Sustainable Design & Construction

3.70 A Sustainability Statement has been submitted, alongside the Energy Statement, which includes information on wider sustainable design and construction issues. The assessment shows that the new building would be designed to implement a range of measures such as water efficient fittings and appliances, use of environmentally friendly materials, promotion of sustainable waste behaviour and recycling, reducing pollution impacts, promoting sustainable transport etc.

3.71 A BREEAM Pre-assessment was carried out for the whole site and submitted which showed that the development would achieve a 'Very Good' rating. The levels of sustainability performance show compliance with the requirements of London Plan Policy 5.3. Conditions will be attached to ensure the implementation of the sustainable design and construction measures and to require a BREEAM Assessment to be carried out and submitted post construction.

3.72 Officers consider that these levels of performance would demonstrate compliance with the Council's sustainability requirements in DM H2. Integration of the proposed sustainable design and construction measures would be conditioned within an acceptable development.

Contamination

3.73 London Plan Policy 5.21, Core Strategy Policy CC4 and Policies DM H7 and DM H11 of the DM LP 2013 states that 'The Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place'.

3.74 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 (39-44).

Air Quality

3.75 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.76 Policy 7.14 of The London Plan seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings and also to minimise exposure to poor air quality. Policy CC4 of the Core Strategy explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives. Policy DM H8 of the DM LP requires an air quality assessment and mitigation measures where appropriate. This is supported by SPD Amenity Policies 20 and 21.

3.77 The development site is in an area of very poor air quality due to the road traffic emissions from Talgarth Road/Hammersmith Flyover. An air quality assessment has been carried out. This assesses the development's potential impacts on local air quality and considers the issue of exposure to pollution for occupiers within the new scheme. The assessment takes account of the potential temporary impacts during the construction phase and the operational impacts caused by increase in traffic flows and emissions from the plant on the site.

3.78 In terms of exposure of new occupiers to poor air quality, following discussions with Council officers it is agreed that mitigation measures would be required on the residential floors of the development where pollution levels are highest. Mitigation measures to deal with this would be achieved via mechanical ventilation. The south facing winter gardens would be sealed as would the side windows. Ventilation would be provided from the rear of the development. Whilst officers consider that mechanical ventilation should be provided at all residential levels, the principle of mechanical ventilation is judged to be acceptable. Accordingly, officers consider that subject to appropriate conditions, the development would meet policy requirements. Further details would be required, however, in terms of full details on mechanical ventilation system, low emissions strategy, air quality dust management plan and an updated air quality impact assessment and the submission of a low emissions strategy in order to ensure that adequate measures are implemented (conditions 33-37).

Noise Impacts for future occupiers

3.79 As stated previously, the proposed development is immediately adjacent to Talgarth Road/Hammersmith flyover and as such would experience noise impacts from

the traffic levels experienced in this area. As stated above the south and side facing windows of the development would be sealed (and mechanically ventilated). The applicants have provided technical details of the proposed glazing for the development and officers have considered this and are satisfied that this will mitigate the likely noise levels for future occupiers of the development. As such no objections are raised on noise issues for future occupiers.

Flood Risk/SUDS

3.80 The site is in the Environment Agency's Flood Zone 2. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted and revised during the application process. Due to site constraints the proposal is to include a green roof on the new building and integrate a "blue roof" system of rainwater storage. Any stormwater up to a 1 in 100 year storm event including 40% climate change factor will be attenuated within the curtilage of the site in the proposed drainage system. Rainwater will initially be retained in the green roof substrate layer. Once this is saturated, run off will drain through into the storage structure below where it can be temporarily stored prior to controlled release into the sewer system. The proposed discharge rate is 2.2l/s which is comparable to greenfield run-off rates and is significantly lower than the existing discharge rates for the site.

3.81 Whilst officers are satisfied with the SuDS proposals for the "blue roof" system for rainwater storage, it is considered that some further detailed design work is required in terms of the exact arrangements for the discharge pipes, as well as investigation into the feasibility for incorporating rainwater harvesting to further enhance the SuDS arrangements.

3.82 Therefore, whilst officers are satisfied that the `blue roof` system will deal with sustainable drainage from the site, it is considered that a condition requiring submission of confirmation of the surface water management proposals, having assessed and integrated where feasible, the inclusion of rainwater harvesting for re-use into the blue roof system, is attached to this permission.

OTHER MATTERS

Secure by Design

3.83 London Plan Policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment.

3.84 Full details of how the proposed development would achieve Secured by Design standards would be secured by condition 20, if approved.

CIL

3.85 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. It has been calculated that the CIL for this scheme would be in the region of £69,000. The Mayor's CIL calculation would contribute towards the funding of Cross rail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.86 Borough CIL was adopted in September 2015. An estimate of the Borough CIL has been calculated at £154,000.

PLANNING OBLIGATIONS

3.87 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.

3.88 If the application were considered acceptable in all other respects than the applicant would be expected to agree to enter into a legal agreement with the council with respect to the following heads of terms.

- Repaving the footway around the frontages of the site.
- Reconstruction of the footway and carriageway to address the narrowing which would result from the proposed stopping up.
- Erection of two cycle stands close to the site to cater for visitors' cycle parking.
- Residential units to be car permit free
- contribution towards training and employment

4.0 CONCLUSIONS and RECOMMENDATION

4.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, and that it would not cause demonstrable harm to the amenities of neighbouring residents. The principle of the mix of uses is considered to be in accordance with land use policies and the development would make efficient use of this previously developed site, by optimising the residential element and providing modern replacement office space, within a well-designed scheme that is in keeping with the context, character and appearance of the street scene and the surrounding area. The proposal would preserve the setting of the adjacent Building of Merit. The development would not have a detrimental impact on the highway network or local parking conditions. Other matters including flood risk and contaminated land matters are also considered to be acceptable.

4.2 It is recommended that planning permission be granted, subject to conditions and the completion of a satisfactory legal agreement.

**PLANNING APPLICATIONS COMMITTEE
ENFORCEMENT PERFORMANCE REVIEW
2016**

This report provides an update on the team's performance and successes over the period 1st January 2016 to 31st December 2016

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- 1. Introduction**
- 2. Enforcement Investigations**
- 3. Appeals**
- 4. Prosecutions**
- 5. Proactive Enforcement Action**

Advert Hoardings

Estate agent's boards

Eyesore Properties and sites

- 6. Team achievements**
- 7. Conclusion**

1. INTRODUCTION

- 1.1 This report provides a review of the annual performance and achievements of the planning enforcement team 1st January to 31st December 2016. The role of the enforcement team is to investigate breaches of planning control; to negotiate and mediate with developers, residents, and their neighbours to remedy any harm.
- 1.2 Most breaches of planning are resolved by negotiation. When that is not successful; and if the Council can identify harm, enforcement action can be taken.
- 1.3 Most of our work is in response to complaints from residents and the public. We have also undertaken several projects and proactive work where a clear benefit to the local community has been identified resulting from significant improvements to the appearance of the streetscene.
- 1.4 The most often reported breaches relate to satellite dishes, roof terraces, roof extension and rear extensions, boundary walls and fences and estate agents boards.
- 1.5 A lot of concern has been raised regarding noise nuisance and disturbance and general disruption because of development construction and traffic. This is partly due to successful regeneration; this is also a result of the volume of development in this Borough as residents are keen to develop their property rather than move to alternative larger premises. This has resulted in a substantial increase in the amount of development being carried out at any given time. However, we do not have powers to refuse development because of the numbers of permissions granted in any given street or location.

Our workload in 2016

Received reported breaches of planning control	1,774
Investigations were completed	1,803
Enforcement Notices issued	81
Removal notices were issued for estate agents advertising boards.	279
Notices complied with	320
Investigations concluded	96% in 8 week 98% in 12 weeks

- 1.6 Major developments are required by conditions applied to planning permissions to submit for approval Demolition and Construction Logistics and or Management Plans; these include: hours of operation; deliveries, loading and unloading and traffic related to the site. However, the control of some of these areas such as noise and dust lies with other legislation and so requires involvement of colleagues from other services.

For example: **Highways** - traffic management
 Access to the site
 Loading on/off the highway
 Cleaning and damage to the highway

Licensing Hoardings
 Scaffolding

Environmental Protection hours of operation
 noise nuisance and disturbance dust.

1.7 The reasons for closure of investigations are as follows: -

Enforcement Notices complied with	63
Breach remedied through officer negotiation	210
Not Development	263
Permitted Development	49
Use is lawful (4 years/10 years)	112
Deemed Consent (Adverts)	100
In accordance with planning permission	186
Retrospective planning permission granted	27
Not expedient to take enforcement action	55

2. ENFORCEMENT INVESTIGATIONS - BREACH TYPES

2.1 ROOF AND REAR EXTENSIONS

Cases Investigated	285
Investigations completed	266
Enforcement Notices issued	18
Enforcement Notice complied with	2

Comment

2.1.1 Complaints are regularly received from neighbours that roof and/or rear extensions are not being built in accordance with the planning permission. This often occurs because the applicant's architect has failed to survey the property correctly, meaning that the extension cannot be erected as indicated on the approved plans, or simply that the owner has requested additional modifications. This does not mean that the development is harmful or unacceptable. If we are alerted at an early stage, we can agree the necessary works to remedy any harm. If the developer does not remedy the breach, or submit a retrospective planning application it falls to the council consider if there is harm; and if so, whether it causes injury to justify serving an enforcement notice.

2.2 ROOF TERRACES

Cases Investigated	41
Investigations concluded	24
Enforcement Notice issued	2
Enforcement Notice complied with	1

Comment

2.2.1 The use of a flat roof on a residential property generally does not require planning permission. But, permission is required to erect railings or other forms of enclosure around the roof to form a terrace. New roof terraces continue to be of concern to residents because of overlooking and in some cases noise and disturbance depending on the size of the terrace. Sometimes, these problems can be resolved by the installation of privacy screens but where that is not appropriate we will look to remove the roof terrace or prevent its use.

2.3 BOUNDARY WALLS AND FENCES

Cases Investigated	72
investigation concluded	58
Enforcement Notices issued	5
Enforcement Notices complied with	1

Comment

2.3.1 Boundary wall and fences are permitted up to 1m on a front boundary and 2m in any other case, OR no higher than the previously existing boundary wall or fence, whichever is the higher. Owners often raise the height of their garden walls or fences above the permitted height to provide privacy to their gardens. This can, in some case, have a harmful effect on neighbouring residents.

2.3.2 Often these high fences are erected without any discussion/agreement with their neighbours. Officers therefore must mediate between the two owners to seek a satisfactory compromise. In most cases a compromise is found, but if not, then enforcement action can be taken if the wall/fence is harmful.

2.4 SATELLITE DISHES

Cases Investigated	60
Investigation concluded	59
Enforcement Notices issued	5
Enforcement Notices complied with	21

Comment

2.4.1 The installation of satellite dishes on residential properties is a continuing problem. They can be both visually unsightly and harmful to the character and appearance of the conservation area.

2.4.2 Planning permission is not normally needed for satellite dishes on residential properties, except in conservation areas when they are on the front of the building. Multiple dishes are often installed on large properties of flats and finding those responsible can be a problem and time consuming.

2.5

ESTATE AGENTS BOARDS

2.6 OTHERS

2.6.1 There are several other investigation types not mentioned above such as unauthorised changes of use, sub-division of dwellings to smaller units, new windows, outbuildings, new shopfronts, breaches of condition etc.

Investigated	778
Investigation concluded	903
Enforcement notices issued	56
Enforcement notice complied with	43

2.6.2 Of Note: We have investigated a number of complaints regarding short-term letting. Following the amendment to the Deregulation Act in 2015 it is permitted to use residential properties as short stay/holiday accommodation for up to 90 days a year. The complaints are mainly regarding noise disturbance from guests coming and going, and there is also concern over the loss of permanent housing. The difficulty with these investigations is in gathering evidence to show that there has been a breach of planning control.

3. APPEALS

3.1 When an enforcement notice is served on an offender they have a right of appeal.

Appeals	59
Appeals dismissed	53
Appeals allowed:	6

89% Success rate

Appeals allowed	
8 Studland Street	Roof Terrace
41 Winslow Road	Enlarged extension at first floor level
16 Burnfoot Avenue	Split decision roof terrace access allowed – railings dismissed
709 Fulham Road	Gym - allowed subject to noise mitigation measure
9-13 Fulham High Street	Replacement doors accessing flat roof.
Electricity Sub-station Talgarth Road	Existing Advert hoardings

3.2 Of Note –

3.2.1 Public Inquiry: 85 Yeldham Road, W6

The Planning Inspectorate decides the method by which the appeal will be determined. The majority of appeals against enforcement notices are dealt with as Written Representations. This case was heard as a Public Inquiry as one of the original grounds (later dropped) was that the development was lawful when the notice was issued.

3.2.2 The unauthorised development was the change of use of the house to a large HMO (for more than 6 people). The notice was served because the loss of the small family house was considered to be unacceptable, due to the shortage of this type of housing in the borough, contrary to Policy DM A1 of the Development Management Local Plan. The Inspector found the policies relating to housing supply to be robust and the appeal was dismissed. The notice has now been complied with.

3.3 Conversion of properties into multiple units.

We have successfully defended three appeals relating to sub-standard housing provision, where properties have been carved up into small self contained units. These units, predominantly studios, with a floorspace of well below the minimum requirement. The Planning Inspectors, in each case, decided that although the additional units provided much needed accommodation, they fell short of Council policy requirements which aim to provide high quality, well-designed and sustainable homes within the community.

4. PROSECUTION

4.1 Occasionally enforcement action will lead to the prosecution of the offender in the Magistrates Court. This only occurs when the offender fails to comply with the enforcement notice or, in the case of advertisements, continually displays illegal adverts.

4.2

Of note 43 Althea Street/70 Townmead Road SW6 Additional floor at roof level.

4.2.1 In 2004, the owner erected an additional floor at roof level without planning permission. I reported this in my annual review last year. Sadly, the unauthorised extension has still not been removed.

4.2.2 At a two-day trial the Judge found the defendant guilty of failure to comply with the enforcement notice. She indicated that she was not convinced by the defendant and his witnesses who, in her view, tended to 'cherry pick' which pieces of evidence which suited them and to misinterpret those which did not. The owner was fined £12,000 and ordered to pay £19,276 and a victim surcharge of £200. The total of £31,476 was to be paid within 3 months of conviction. Regrettably despite the large penalty imposed, to date they have still failed to comply with the notice and therefore we are seeking further prosecution in the courts.

5. PROACTIVE ENFORCEMENT

5.1 ADVERTISEMENT CONTROL

The Planning Enforcement Team are continuing with their pro-active work to improve the street scene. This includes the removal of illegal advert hoardings on residential

buildings, discontinuance of unsightly hoardings that have accrued deemed consent under the 10-year rule and the removal of illegally displayed estate agent boards.

5.2 DISCONTINUANCE ACTION ON ADVERTISEMENT HOARDINGS

The Planning Enforcement team have continued a proactive programme of discontinuance action. This involves identifying advertisement sites that benefit from “deemed” consent (more than 10 years display). And any advert hoarding found to cause substantial harm, may be removed using these discontinuance powers.

5.2.1 This process is more protracted and time consuming than the removal of illegal advertisements. There is a right of appeal against a Discontinuance Notice, and given the lucrative nature of the advertising business, it inevitably results in the Council having to defend the service of the notice at appeal, if for no other reason than to extend the period of the time the advert is allowed to remain. Interestingly, in recent appeal decisions the Inspector has not only dismissed the appeal but has been dogmatic in resisting appeals to extend the period for the display and imposing the minimum period of 4 weeks.

5.2.2

9 Notices served

92 Askew Road, W12
163 Askew Road, W12
204 New Kings Road, SW6
407-411 New Kings Road (5 advertisement hoardings)
379 New Kings Road, SW6
381 New Kings Road, SW6
Riverbank House, 1 Putney Bridge Approach, SW6
Standish House, 33 Standish Road, W14
359 Fulham Palace Road, SW6

5.2.3 We dealt with 19 appeals against the service of discontinuance notices in 2016, some of which related to discontinuance notices served in 2015. Of those 19 appeals, 18 were dismissed.

5.2.4 The appeal that was allowed related to the use of the Electricity Substation adjacent Wilson’s Road, facing the A4, for the display of advertisement hoardings. This was served in conjunction with the refusal of advertisement consent to replace the advertisement box hoarding with a larger LED panel, as a “belt and braces” approach to strengthen the Council’s position at appeal. Whilst the appeal against our decision to discontinue the existing panels was allowed, we were successful in defending our decision to refuse permission for the larger illuminated panel.

5.2.5 In total, 16 advertisement hoardings were removed in compliance with the discontinuance notices.

5.2.6 Comment

We work closely with the borough’s amenity groups and particular thanks should be given to the Fulham Society and the Hammersmith and Fulham Historic Buildings Group who have consistently provided strong support for the Council’s decision to issue

a discontinuance notice during the appeal process. This collaborative approach reinforces to the Planning Inspectorate the view that the advertisement hoarding is substantially harmful to local amenity and has ensured the continuing success of the programme (a 99% success rate at appeal).

5.3 ESTATE AGENTS BOARDS

Investigated	478
Notices issued	279
Complied with	258

5.3.1 Regulation 7

We have 6 Regulation areas across the borough, where estate agents are not permitted to display boards without first getting consent.

5.3.2 They are regularly monitored by officers, and residents are also able to report boards to us at a dedicated email address boards@lbhf.gov.uk; or enfcomplaints@lbhf.gov.uk. Officers have taken a “zero tolerance approach” in seeking the prosecution of agents displaying boards in these areas. This has been very successful and the result has been that all areas remain virtually free of boards. **Boards that have been displayed have been removed within 48 hours** and this has avoided any prosecutions.

5.3.3 This has been a very popular initiative with residents and has resulted in significant improvements in the appearance of residential streets.

5.3.4 We have received approval of our application to renew the Regulation 7 Direction. The direction came into force on 21 March 2016 for an extended period of 10 years.

Olympia & Avonmore Regulation 7 area

- This covers part of the Olympia & Avonmore Conservation Area and

Gunter Estate Regulation 7 area

- This covers part of the Gunter Estate Conservation Area

Hammersmith Grove Regulation 7 area

- This covers all the Hammersmith Grove conservation area and includes all properties in the conservation area:

Harwood Road Regulation 7 area

- This covers parts of the Moore Park, Parsons Green, and Walham Green conservation areas

Barons Court Regulation 7

- This covers properties in the Barons Court Conservation Area

Sinclair Road Regulation 7 area

- This covers the Lakeside/Sinclair/Blythe Road and Brook Green Conservation Areas

5.3.5 In other parts of the Borough, estate agents do not require consent from the council for the display of these advertising boards subject to various standards.

5.4 EYESORE PROPERTIES AND SITES

Investigated	60
Investigation concluded	51
S215 Notices issued	2
Notice complied with	1

5.4.1 The investigation of untidy sites and premises is jointly carried out by planning enforcement and the private sector housing team. The teams liaise on a regular basis to review progress and agree the most effective actions to achieve the best solution.

6. TEAM ACCHEVEMENTS

6.1 Benchmarking of Planning Enforcement was carried out by LB Lambeth across 9 London Boroughs. Our service achieved the highest numbers of investigations per officer; the highest number of investigations closed and highest number of enforcement notices issued.

6.2 In 2016 the Team was awarded Staff Excellence award for Innovation for our pro-active work. The success of our pro-active services resulted in significant improvements in the appearance of our residential streets; and the introduction of additional services which also generated additional income.

7. CONCLUSION

We are primarily a reactive service in dealing promptly with complaints (service requests) received from the public. However, the Team will continue to progress with its proactive initiatives which have been strongly supported by residents, members.

Improvements in the Council's Planning Enforcement website ensures that the public have much greater access to our services with the facility to report online all possible breaches of planning control. Complainants details will continue to remain confidential thereby removing any fears that the public may have in reporting illegal planning activity.