

London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 10th October 2017**

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

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<b>WARD: REG NO:</b>	<b>SITE ADDRESS:</b>	<b>PAGE:</b>
Fulham Broadway 2017/01849/FUL	Edith Summerskill House Clem Attlee Court Lillie Road London SW6 7TD	<b>7</b>
Sands End 2017/01841/FUL	Watermeadow Court Watermeadow Lane London	<b>79</b>
Parsons Green And Walham 2017/02950/FUL	160 - 164 Hurlingham Road London SW6 3NG	<b>165</b>
Fulham Reach 2017/02410/FUL	67 - 69 Aspenlea Road London W6 8LH	<b>199</b>
Fulham Reach 2017/02174/FUL	North Lodge Hammersmith Cemetery Margravine Gardens London W6 8RL	<b>228</b>
Ravenscourt Park 2017/01571/VAR	Palco House 11 - 21 Beavor Lane London W6 9AR	<b>247</b>
Shepherd's Bush Green 2017/01898/FUL	Threshold And Union House 65 Shepherd's Bush Green London W12 8TX	<b>262</b>
Hammersmith Broadway 2017/02717/FUL	The Triangle (5-17 Hammersmith Grove) And Britannia House (1-11 Glenthorne Road), 3 And 3A Hammersmith Grove And 12-18 Beadon Road, Hammersmith, London W6 0LH	<b>325</b>

**Ward:** Fulham Broadway

**Site Address:**

Edith Summerskill House Clem Attlee Court Lillie Road London SW6 7TD



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

**Reg. No:**  
2017/01849/FUL

**Case Officer:**  
Peter Wilson

**Date Valid:**  
01.05.2017

**Conservation Area:**

**Committee Date:**  
10.10.2017

**Applicant:**

HFS Developments 2 Limited  
C/o Agent

**Description:**

Erection of a 20 storey tower (plus plant) with a single storey basement and ground floor mezzanine at a maximum height of approximately 80.27m AOD, comprising 133 residential (Class C3) units up to a maximum of approximately 16,262 m2 (GEA); ancillary community use at ground floor level; hard and soft landscaping and associated works.

Drg Nos: as Condition 2

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

1) Subject to there being no contrary direction from the Mayor for London that the Committee resolve that the Director for Regeneration, Planning and Housing Services be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;

2) To authorise the Director for Regeneration, Planning and Housing Services after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

**CONDITIONS**

Time Limit

- 1) The development hereby permitted shall not commence later than 3 years from the date of this decision

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).

Drawings

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

P\_100 P P2; P\_110 P P3; P\_120 P P2; P\_121 P P2; P\_122 P P2; P\_123 P P2;  
P\_124 P P2; P\_200 P P3; P\_201 P P3; P\_202 P P3; P\_203 P P3; P\_204 P P3;  
P\_205 P P3; P\_206 P P3; P\_207 P P3; P\_300 P P3; P\_301 P P3; P\_302 P P3;  
P\_303 P P3; P\_400 P P3; P\_401 P P3; P\_402 P P3; P\_403 P P3; P\_404 P P3;  
P\_405 P P3; P\_500 P P3; P\_501 P P3; P\_502 P P3; P\_510 P P1; P\_511 P P1;  
P\_512 P P1; P\_513 P P1; P\_514 P P1; P\_515 P P1; P\_516 P P1; P\_517 P P1;  
P\_518 P P1; P\_519 P P1.

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 Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### Materials

- 3) The development shall not commence (save for below ground works) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of the colour, composition and texture of the metal and stone work; details of all surface windows; balustrades to roof terraces; roof top plant and general plant screening; shop front treatments, including window opening and glazing styles and all external hard surfaces including paving, have been submitted and approved in writing by the Local Planning Authority. These details will have reference to and include the mitigation measures identified within the submitted Pedestrian Level Wind Microclimate Assessment RWDI #1700556 PLW REV-D April 25<sup>th</sup> 2017. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Design Policy 44 of the Planning Guidance Supplementary Planning Document (July 2013).

#### 1:20 Details

- 4) The development shall not commence (save for below ground works) until detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of each of the approved buildings have been submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed cladding, fenestration (including framing and glazing details), balustrades (including roof terraces), shop front and entrances and roof top plant and plant screening. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### 1:20 Roof Top Plant Details

- 5) The development shall not commence (save for below ground works) until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

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

Construction Management Plan and a Construction Logistics Plan

- 6) The development hereby permitted shall not commence until a Construction Management Plan and a Construction Logistics Plan have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, details of a Low Emission Vehicle Strategy, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The Construction Management Plan and Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with policies 5.18, 5.19 and 7.14 of the London Plan, policies CC1, CC4 and T1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1, DM H2, DM H5, DM H8, DM H9, DM H11, DM J1 and DM J6 of the Development Management Local Plan (July 2013) and SPD Amenity Policy 26 of the Planning Guidance Supplementary Planning Document (July 2013).

Cycle Parking

- 7) No part of the development hereby approved shall be occupied or used prior to the provision of the cycle storage arrangements, as indicated on the approved drawings and set out within the submitted Transport Assessment, to serve the development have been fully provided and made available to visitors and staff 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, 6.13 and Table 6.3 of the London Plan, policy T1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM J5 of the Development Management Local Plan (July 2013).

Cycle Parking Management Plan

- 9) No part of the development hereby approved shall be occupied or used until a Cycle Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Car & Cycle Parking Management Plan as approved and shall thereafter be permanently retained in this form.

To ensure an appropriate level, mix and location of car and cycle parking is achieved for the development and that management arrangements are in place to control its allocation and use in accordance with Policies 5.2, 5.18, 5.19, 5.21,

6.3, 7.14 and 7.15 of the London Plan, policies CC1, CC4 and T1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1, DM H2, DM H5, DM H7, DM H8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the Development Management Local Plan (July 2013) and SPD Transport Policies of the Planning Guidance Supplementary Planning Document (July 2013).

Refuse

- 10) No part of the development shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings and shall include provision for the storage of recyclable materials. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

To ensure the satisfactory provision of refuse storage and recycling and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with policy 5.17 and 6.11 of the London Plan, Policy CC3 of the Core Strategy (2011), policy DM H5 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Sustainability Policy 3 of the Planning Guidance Supplementary Planning Document (July 2013).

Waste Management Strategy

- 11) No part of the development hereby approved shall be used or occupied until a Waste Management Strategy has been submitted and approved in writing by the Local Planning Authority. Details shall include how recycling will be maximised and be incorporated into the facilities of the development. All approved storage arrangements shall be provided in accordance with the approved details and shall be permanently retained thereafter in accordance with the approved details and shall thereafter be permanently retained in this form.

In order to protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.3 of the London Plan and policy DM H5 of Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Sustainability Policy 3 of the Planning Guidance Supplementary Planning Document (July 2013).

Delivery and Servicing Management Plan

- 12) No part of the development hereby approved shall be used or occupied until a Delivery and Servicing Management Plan is submitted to and approved in writing by the Local Planning Authority. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, operations of the loading bay as identified on the approved drawings, 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 be permanently retained in this form.

To ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise and disturbance, in accordance with policy 6.11 of the London Plan and policies DM J1, DM H9 and DM H11 of the Hammersmith and Fulham Development Management Local Plan

(July 2013), and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Hoardings

- 13) No development shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### Contamination (1)

- 14) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination (2)

- 15) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land

Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (3)

- 16) Unless the Local Planning Authority 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 Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (4)

- 17) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until a remediation method statement, if required, is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable



risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (5)

- 18) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required, and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all appropriate waste Duty of Care documentation and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) 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 Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation method statement and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (6)

- 19) Unless the Local Planning Authority 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 Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Secure by Design

- 20) The development hereby permitted shall not commence (save for below ground works) until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy 7.3 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 of the Development Management Local Plan (July 2013).

#### Landscaping

- 21) The development hereby permitted shall not commence (save for below ground works) until details of the proposed soft and hard landscaping of all areas external to the building(s) have been submitted to and approved in writing by the Local Planning Authority. The details shall include: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, including pedestrian surfaces, materials, kerb details, external steps and seating that ensure a safe and convenient environment for blind and partially sighted people. The details shall reference and include the mitigation measures as set out in the submitted Pedestrian Level Wind Microclimate Assessment RWDI #1700556 PLW REV-D April 25<sup>th</sup> 2017. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) Policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Landscape Management Plan

- 22) The development hereby permitted shall not commence until a Landscape Management Plan (save for below ground works) has been submitted to and approved in writing by the Local Planning Authority for all of the landscaped areas. This shall include details of management responsibilities and maintenance schedules for all landscape areas the landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development provides an attractive natural and visual environment in accordance with Policies 7.1 and 7.6 of the London Plan, Policies BE1 and OS1 of the Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Protection of Existing Trees

- 23) The development hereby permitted shall not commence until all the trees in the proximity of the development that are to be retained, have been protected from damage in accordance with BS5837:2012 during both the demolition and construction works.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (July 2013).

#### Lighting

- 24) The development shall not commence (save for below ground works) until details of any proposed external artificial lighting, including security lights have been submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the `Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan, policies BE1 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM E1, DM E4, DM G1, DM H10 and DM H11 of the Development Management Local Plan (July 2013) and the Council's Supplementary Planning Document (July 2013).

- 25) Background Noise Levels

The development hereby permitted shall not commence (save for below ground works) until details of the external noise level emitted from plant/ machinery/

equipment and mitigation measures as appropriate have been submitted to and approved in writing by the Local Planning Authority. 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 in this form.

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 Hammersmith and Fulham Development Management Local Plan (July 2013).

#### Anti-vibration Measures

- 26) No part of the development hereby approved shall be used or occupied until details of anti-vibration measures has been submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained in this form.

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 Hammersmith and Fulham Development Management Local Plan (July 2013).

#### Internal Room Noise

- 27) The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

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

#### Residential Sound Insulation

- 28) The development hereby permitted shall not commence (save for below ground works) 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 between the differing layouts of the flats on the 5th, 6th and 7th 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.

Basement Floor/Ceiling/Wall Insulation

- 29) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the basement plant room 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 implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Air Quality Dust Management Plan

- 30) Prior to the commencement of development an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and 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 the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road and off-road construction traffic, Ultra Low Emission Vehicle Strategy (ULEVS) e.g. use of Ultra Low Emission Vehicles e.g. Electric, Hybrid (Electric-Petrol); Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM<sub>10</sub> 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), Policy 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

CHP & Gas Boiler Compliance with Emission Standards

- 31) Prior to the commencement of the development (save for below ground works) 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 30 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. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

#### Roof Equipment

- 32) The development hereby permitted shall not commence (save for below ground works) until details of any enclosure(s) to be fitted to roof mounted equipment have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until any enclosure(s) have been constructed in accordance with the approved details, and the enclosure(s) shall thereafter be permanently retained in this form.

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

#### Access Management Plan

- 33) No part of the development hereby approved shall be occupied or used until an Inclusive Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy 7.2 of the London Plan and policy DM B2 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and the Planning Guidance Supplementary Planning Document (July 2013).

#### Lifts

- 34) No part of the development hereby approved shall be used or occupied until details of fire rated lifts in each of the buildings, including details of the loading lifts to the basement levels is submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover, to ensure no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies 3.8 and 7.2 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM A4, DM A9, DM G1, DM J2 and DM

J4 of Development Management Local Plan (July 2013) and SPD Design Policies 1, 2, 3, 4, 6, 7, 8, 9 and 10, SPD Transport Policies 9, 10, 22, 23 and 31 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Flood Risk Assessment

- 35) The development hereby permitted shall not commence until a revised Flood Risk Assessment (FRA) demonstrating suitable basement waterproofing and flood proofing measures has been submitted to and approved in writing by the Local Planning Authority. The FRA shall be implemented in accordance with the approved details, and thereafter all approved measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

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

#### Drainage

- 36) The development hereby permitted shall not commence until a Sustainable Drainage Strategy (SuDS) has been submitted to and approved in writing by the Local Planning Authority. 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 implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

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 and Policy CC2 of the Hammersmith and Fulham Core Strategy (2011).

#### Window Cleaning Equipment

- 37) The development hereby permitted shall not commence (save for below ground works) until details of the proposed window cleaning equipment have been submitted and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. No part of the development shall be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1 and 7.6 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and

policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

TV Interference

- 38) The development hereby permitted shall not commence until details of the methods proposed to identify any television interference caused by the proposed works on each stage, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures proposed to ensure that television interference which might be identified, is remediated in a satisfactory manner. The approved remediation measures shall be implemented for each Stage immediately that any television interference is identified.

To ensure that the existing TV reception is not adversely affected by the proposed development, in accordance with Policies 7.7 and 7.13 of the London Plan (2016), Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G2 of the Development Management Local Plan (2013).

Airwaves Interference Study

- 39) The development shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and

(ii) The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the Construction Works identified by the Base-Line Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policy 7.13 of the London Plan (2016), Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G2 of the Development Management Local Plan (2013).

Addresses

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

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



Obscured Glass

- 41) The window glass at ground level in the development shall not be mirrored, painted or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy 7.6 of The London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

No roller shutters

- 42) No roller shutters shall be installed on any entrance or display facade hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policy DM G4 and DM C1 of the Development Management Local Plan (2013) and Planning Guidance Supplementary Planning Document (July 2013)

No advertisements

- 43) No advertisements shall be displayed on or within any elevation of the building(s), forecourt or public spaces of the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Local Planning Authority.

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 Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G8 of the Development Management Local Plan (July 2013).

Replacement Trees, shrubs etc

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

To ensure a satisfactory external appearance in terms of the provision of tree and shrub planting, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

No plant, water tanks

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

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

Changes to the external appearance of the new buildings

- 46) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings.

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 Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and G7 of the Development Management Local Plan (July 2013).

External entrance doors

- 47) All external entrance doors facing the public highway in the building(s) hereby approved shall be designed and installed so that they only open inwards, and shall thereafter be permanently 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 (July 2013).

PD Rights

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

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with in accordance with policies 7.6 and 7.8 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

No music

- 59) No music nor amplified sound (including voices) emitted from the development hereby permitted shall be audible at any residential/noise sensitive premises.

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

Level Threshold

- 50) The ground floor entrance doors to the buildings and integral lift/stair cores 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 level access.

In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G4

of the Development Management Local Plan (July 2013) and SPD Design Policy 1, 2 and 25 of the Planning Guidance Supplementary Planning Document (July 2013).

Piling

- 51) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies 5.14 and 5.15 of the London Plan, policy CC2 of the Hammersmith and Fulham Core Strategy (2011) and policy DM H4 of the Development Management Local Plan (July 2013). The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

**Justification for Approving the Application:**

- 1) Land Use: All the proposed land uses are supported by adopted policy. Officers consider that the residential use is appropriate in this location and would replace and existing, vacant and to be demolished residential building set within a residential context. The ancillary community facility is suitable within the building and for the benefit of residents. The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3, Core Strategy Strategic Policy H1, Core Strategy Policies BE1 and LE1, DMLP Policies DM A1 and DM D1
- 2) Affordable Housing: The proposal would help to regenerate the wider estate whilst maximising the value of the site to deliver 133 affordable residential units with 80% being at social rent and the remainder being at intermediate rent. The proposal is therefore considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9, Core Strategy Policy BE1 and OS1, Strategic Policies H3 and H4, DMLP Policies DM A2 and DM A3 Draft Local Plan Policy HO3.
- 3) Housing: The proposal provides 133 properties at a range of affordable rent sizes which are considered to respond positively to the site characteristics and the demand for social rented accommodation for households with moderate to severe housing needs. Whilst 100% affordable, the proposal introduces 20% intermediate rent to the previously 100% social rented building and, given consideration to the wider demographics, would not lead to a monotone development and maintain a mixed and balanced ward. The amenity and play space provided accords with the above policies and would provide a high quality of private and communal amenity for future occupants together with a high standard of residential accommodation. The density is acceptable, given the

location and transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver social rented homes. The proposal is therefore supported and is considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9, Core Strategy Policy BE1 and OS1, Strategic Policies H3 and H4, DMLP Policies DM A2 and DM A3 Draft Local Plan Policy HO3

- 4) Design and Conservation: Development of this site provides an opportunity for significant enhancement and regeneration of this area. The proposal for a taller building complies with Core Strategy Policy BE1 in that it respects the existing townscape context, demonstrates tangible urban design benefits and is consistent with the Council's wider regeneration objectives, and in doing so is sensitive to the setting of heritage assets. The development would a new network of high quality spaces and public realm. The proposed built form has a massing which responds to the proposed spaces and surrounding townscape at its edges. The elevations have an architectural character which provides interest across the frontages. The relationship between the built form and public realm would assist in the creation of a sense of place. It is considered that this is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Core Strategy Policies BE1, DMLP Policies DM G1, DM G2, DM G6 and DM G7, Draft Policies DC1, DC2 and DC3, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8 and the NPPF.
- 5) Transport: The proposal is car free. There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory provision of cycle and refuse storage, construction and demolition logistics and management while a Travel Plan is secured by legal agreement. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good, and is well served by public transport. External impacts of the development would be controlled by conditions and section 106 provisions. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1 and CC3 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM J1, DM J2, DM J4 and DM J5 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 6) Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise/disturbance and overlooking, no unacceptable 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 proposed development therefore accords with London Plan Policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7 and 7.14, Policies H3 and CC4 of the Hammersmith and Fulham Core Strategy (2011), and Policies DM G1, DM A3, DM A4, DM A9, DM H9, DM H10, DM H11 and DM E2 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 7) Safety and Access: A condition would ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy

7.3 and Policy DM G1 of the Development Management Local Plan (2013). The development would provide 10% of all units as wheelchair units, level access, a lift to all levels and suitable circulation space. Conditions would ensure the proposal would provide ease of access for all persons, including disabled people and an Inclusive Accessibility Management Plan is provided for approval. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy 7.2 of the London Plan, Policies DM A4 and DM G1 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Design Policies 1, 2 and 8 of the Planning Guidance Supplementary Planning Document (July 2013).

- 8) Sustainability and Energy: The application proposes a number of measures to reduce CO2 emissions with a carbon offset payment secured. A revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development therefore accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan, Policies CC1, CC2, H3, and FRA 1 of the Hammersmith and Fulham Core Strategy (2011), and Policies DM E4, DM H1, DM H2, DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 9) Flood Risk: A Flood Risk Assessment has been submitted which advises standard construction practices in order to ensure the risk of flooding at the site remains low. Sustainable drainage systems would be integrated into the development to cut surface water flows into the communal sewer system. Further information on surface water drainage, basement and flood proofing are secured by condition. The development would therefore be acceptable in accordance with the NPPF (2012), Policies 5.11, 5.13, 5.14 of the London Plan, Policies CC1 and CC2 of the Core Strategy (2011) and Policy DM H3 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 10) 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, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM H7 and H11 of the of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 11) Microclimate: The development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings. A condition is secured to provide additional mitigation measures through the materials and landscaping. The proposal is considered to comply with Policies 5.3, 7.6 and 7.7 of the London Plan and Policy DM G2 of the Hammersmith and Fulham Development Management Local Plan (2013).
- 11) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to securing the affordable housing provision, offsetting highways impacts, carbon offset payment local training and employment opportunities and procurement are secured. The proposed

development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan and Policy CF1 of the Hammersmith and Fulham Core Strategy (2011).

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## LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 28th April 2017

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:**

Historic England London Region  
Transport For London - Land Use Planning Team  
Thames Water - Development Control  
Fulham Society

#### **Dated:**

22.05.17  
01.06.17  
22.05.17  
26.07.17

### **Neighbour Comments:**

#### **Letters from:**

59 Fabian Road London SW6 7TY  
16 FABIAN FULHAM LONDON SW6 7TZ  
16 FABIAN FULHAM LONDON SW6 7TZ  
16 FABIAN FULHAM LONDON SW6 7TZ  
27 Fabian Road London SW6 7TY  
77 Hartismere Road London SW67UE  
70 Hartismere Road Fulham London SW6 7UD  
127 Rylston Road London sw6 7hp  
127 Rylston Road London sw6 7hp  
60 Fabian Road London SW6 7TZ  
36 A Tournay London SW67UF  
Flat A 15 Hartismere Road London SW67UB  
59 Epirus Road 1st floor maisonette London sw6 7ur  
59 Epirus Road 1st floor maisonette London sw6 7ur  
8 Fabian Road London SW6 7TZ  
139 Rylston Road London SW67HP

#### **Dated:**

02.06.17  
03.06.17  
03.06.17  
03.06.17  
04.06.17  
04.06.17  
03.06.17  
29.05.17  
29.05.17  
03.06.17  
04.06.17  
31.05.17  
17.05.17  
08.06.17  
23.05.17  
25.05.17

24 Mirabel Road Fulham SW6 7EH	03.06.17
14 Frank Soskice House Clem Attlee Court Fulham SW6 7SL	03.06.17
10 Tournay Road Fulham London SW6 7UF	04.06.17
45 Hartismere Road London SW6 7UB	06.06.17
53 Epirus road London sw6 7ur	09.06.17
16 FABIAN FULHAM LONDON SW6 7TZ	03.06.17
55 Hartismere road London SW6 7UE	31.05.17
50 Mirabel Road London SW6 7EH	03.06.17
24 Fabian Road London SW6 7TZ	04.06.17
24 Fabian Road London SW6 7TZ	04.06.17
69 Hartismere Road London Sw6 7ue	26.05.17
73 HARTISMERE ROAD FULHAM SW6 7UE	30.05.17
NAG	29.05.17
26 Fabian Road London SW6 7TZ	03.06.17
14 Hartismere Road London SW67UD	03.06.17
52 Hartismere Rd London SW6 7UD	29.05.17
34 Hartismere Road Fulham London SW67UD	31.05.17
39 Fabian Road London SW6 7TY	06.06.17
30 John Smith Avenue Fulham London SW67TW	31.07.17
51 Epirus rd London sw6 7ur	22.05.17
14 Fabian Road London, Fulham SW67TZ	04.06.17
13 Tournay Road London SW6 7UG	04.06.17
109 Rylston Road London SW6 7HP	29.05.17
24 Hartismere road London sw67ud	01.06.17
29 Fabian Road Fulham Sw67ty	04.06.17
66 Hartismere Road Fulham London SW6 7UD	30.05.17
27 Hartismere Road London SW67UB	04.06.17
47 Hartismere Road London SW6 7UB	05.06.17
6 George Lindgren House Clem Attlee Court London SW6 7SW	01.06.17
6 George Lindgren House Clem Attlee Court London SW6 7SW	04.06.17
6 George Lindgren House Clem Attlee Court London SW6 7SW	04.06.17
6 George Lindgren House Clem Attlee Court London SW6 7SW	16.06.17
FFF 60 Hartismere Road London SW6 7UD	01.06.17
36 Mirabel Road Fulham SW6 7EH	06.06.17
127 RYLSTON ROAD LONDON SW6 7HP	29.05.17
68 Hartismere Road London SW6 7UD	29.05.17
39 Hartismere Road London SW6 7UB	01.06.17
21A Fabian Road London SW6 7TY	01.06.17
62 Hartismere Road London SW6 7UD	03.06.17
Flat 137 Jim Griffiths House Clem Attlee Court SW6 7RY	24.05.17
58 Fabian Road London SW6 7TZ	29.05.17
76 Rylston Road London SW6 7HR	30.05.17
54 Haldane Road London SW6 7EU	03.06.17
77 Hartismere Road London SW6 7UE	04.06.17
1 George Lindgren House, Clem Attlee Court London SW6 7SW	04.06.17
51 Epirus Road London SW6 7UR	22.05.17
24 Hartismere Road London SW67UD	01.06.17
113 Rylston Road London SW6 7HP	26.05.17
57 Hartismere Road Fulham London SW6 7UE	03.06.17
16 Fabian Road London SW6 7TZ	04.06.17
52 Hartismere Road Fulham SW6 7UD	29.05.17
64 Hartismere Road Fulham Broadway SW6 7UD	02.06.17

## OFFICERS' REPORT

### 1.0 SITE AND SURROUNDINGS

1.1 The application site is on St Thomas's Way which is to the south and is within the Clem Attlee Estate with residential properties to the east and west. To the north of the site is the Clem Attlee Community Hall on Len Freeman Place, the 4 storey Nye Bevan House to the west, the 4 storey George Lindgren House to the east and John Strachy House to the north. An area of public realm and a playground occupies the adjacent land immediately north of the site. To the south of the site are a series of perpendicular residential roads of Victorian 2 storey terraced houses at Fabian Road and Hartismere Road

1.2 The Clem Attlee Estate itself is made up of several tower blocks and some lower rise blocks interspersed with green space. The surrounding area to the south is predominately low rise residential properties, with the commercial units of North End Road to the east. To the north of the site are three tower blocks: the 18 storey Herbert Morrison House, and the two 11 storey tri-axial buildings of

#### Existing Site

1.3 The existing site is occupied by a 68 unit residential building standing at 18 storeys high. This is laid out at 4 flats per floor access from a central core. The building has been vacant since 2011 and is due for demolition, the refurbishment being deemed unviable by the council who are the owner.

#### Designations

1.4 The site is within Flood Zone 2, but is not within a conservation area and is not subject to any other heritage designation. The Central Fulham Conservation Area lies to the west, Sedlescombe Road Conservation Area lies to the east and Walham Green Conservation Area to the south.

#### Transport

1.5 The site is located around 0.5 mile from both Fulham Broadway and West Brompton tube stations with bus stops to Lillie Road to the north and Dawes Road to the south. The site has a Public Transport Accessibility Level (PTAL) of 4. Which reduces to 3 at the rear of the site. PTAL is a measure of the accessibility of a point to the public transport network. The method is essentially a way of measuring the density of the public transport network at particular points. A PTAL score can range from 1a to 6b, where a score of 1a indicates a "very poor" level of accessibility and 6b indicates an "excellent" accessibility level.

#### Planning History

1.6 The site forms part of the wider Clem Attlee Estate which was built during the 1960s. The relevant planning history is limited and comprises

1.7 2004/00946/FR3 – planning permission granted for the renewal of the roof, installation of replacement windows and ancillary works.



- 1.8 2014/03515/FR3 – planning permission granted for the erection of a temporary hoarding at a height of 2.44m around the boundary of the vacant building.
- 1.9 2016/03746/DEM - Application as to whether prior approval is required under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of a 17 storey block of flats (Edith Summerskill House). Lapsed
- 1.10 2017/02100/FUL – Planning permission granted 27 September 2017 for the creation of a parking layby to accommodate two new accessible parking spaces on the public highway, the relocation of an existing speed bump and associated works along the Clem Atlee access.

### **Proposal**

- 1.11 The application seeks full planning permission for the erection of a 20 storey residential tower comprising:
- A height 80.27M AOD
  - 133, 100% affordable residential units (16,262sqm GEA)
  - 105 social rented units (80%)
  - 28 intermediate rent units (20%)
  - An increase of 65 affordable residential units
  - Single storey basement
  - Ancillary community room and kitchen at ground floor level
  - Public realm, landscaping and highway improvement within and surrounding the site
- 1.12 It should be noted that the proposal does not seek planning permission for demolition of the building, which is undertaken under prior approval application ref. 2016/03746/DEM, and as such this is not a consideration in the determination of this planning application.
- Height
- 1.13 The existing building is an 18 storey, 59m AOD high residential tower comprising 68 social rented units. This is to be demolished under permitted development and as such planning permission for the demolition is not sought.
- 1.14 The proposal represents an increase in height of some 20m which is due in part to the taller floor to ceiling heights being included with the existing units not meeting current standards. This increase equates to an additional 0.5m per floor in order to comply with the Mayor's Housing SPG. Additional sources of additional height include acoustic screening, the mezzanine at ground floor level to provide a range of services including cycle storage and the two additional floors of accommodation.
- 1.15 The applicant has stated that to achieve the same height of the existing building and to deliver the same standard of accommodation, the proposal would result in the loss of 49 units over 7 storeys. This would provide 16 additional units which would undermine the viable delivery of the scheme and the need to maximise additional affordable housing delivery.

## Appearance

- 1.16 The building is composed of two and three storey precast concrete columns and arches with the double height bays feature at floors 1-6 and triple height bays at floors 7-19. The top floor features a projecting open frame in a continuation of the piers below. At the base of the building is a rusticated brick distinct from the above concrete treatment. The applicant contends that the composition of the facades addresses this through the creation of three distinct facade treatments: a large single storey plinth at ground level responds to the immediate context; double storey bays across floors 1-6 respond to the scale of the streetscape; triple storey bays on the upper levels have a civic presence at an urban scale.

## Layout and Residential Units

- 1.17 The proposal features 133 affordable rented units, 105 of which are for social rent and the remaining 28 at intermediate rent. No private market units are included. The number of units as existing and proposed is as follows:

<b>Unit Size</b>	<b>Existing No.</b>	<b>Proposed No.</b>	<b>Change in No. Units</b>
<b>1b2p</b>	4	38	+34
<b>1b2p WA</b>	0	7	+7
<b>2b3p</b>	48	31	-17
<b>2b3p WA</b>	0	6	+6
<b>2b4p (corner)</b>	0	14	+14
<b>2b4p</b>	0	37	+37
<b>3b3p</b>	16	N/A	-16
<b>Total</b>	<b>68</b>	<b>133</b>	<b>+65</b>

WA = wheelchair accessible units

- 1.18 As such there would be an increase of 65 units which would focus upon 1 and 2 bed properties for 2-4 people. All of the units would exceed the London Plan space standards.
- 1.19 The proposed footprint is larger at 718sqm GEA, compared to the 325sqm GEA of the existing building. This is achieved through floorplate efficiency and delivering a more compact plan compared to the 'H' layout of the existing building. However, this deliver an additional 3 flats per floor and the applicant considers this is mitigated by the stepped nature of the design.
- 1.20 At ground level the proposal features a covered arcade to the eastern elevation which will feature the entrance and foyer. To the northern elevation a community space will face onto the adjacent playground. Waste collection is from the western elevation car park onto Nye Bevan House.
- 1.21 The footprint of the building is designed as two overlapping squares around a central core, the result being that the majority of units will be dual aspect.
- 1.22 The residential levels repeat the same floorplate of 7 units per floor through floors 1-19 arranged around a central core and lobby area. Each core features two

linked lobby areas, three accessible lifts, a services room and the central stairwell. A total of 13 of the 133 units are wheelchair flats with 2 each on floors 1-5 and 3 on floor 6; all other units are accessible and adaptable to conform with building regulations M4(2).

- 1.23 Each flat is centred around an open plan living area in the corners of each unit to create a dual aspect for the majority of the flats. Windows are large with Juliet balconies, the external amenity space being internalised due to the high rise nature of the development and to increase living space.
- 1.24 All dwellings will be level throughout, and served by three wheelchair accessible lifts. Doors, corridor widths, kitchens and sanitary facilities have all been designed according to the building regulations. The evacuation strategy for the dwellings is 'stay put', and the common areas will be fitted with sprinklers. At the ground floor, level access is provided throughout. The refuse store has been located on the ground floor to simplify access for residents including wheelchair users, and a ground floor recumbent cycle store has been incorporated for disabled bicycle users.

#### Mezzanine

- 1.25 The mezzanine has two large bike stores with space for 216 regular bikes, with as assisted 2 tier cycle racks. An additional flexible 38 sqm space has also been provided for larger cycles and can accommodate 8 bikes. There is a further ground floor cycle store that can house 4 recumbent bikes and has direct access into the communal lobby. 4 additional spaces for visitors are incorporated externally in the public realm. The mezzanine is accessed by the same central core as well as a bicycle wheeling stair is also provided with an integrated ramp which leads from the main double height lobby to the mezzanine.

#### Ground Floor

- 1.26 The ground floor of the building accommodates a variety of communal and common areas: a generous entrance foyer, reception, building management office and meeting room, a large community space with adjoining kitchenette and WC's, bin storage, recumbent cycle store and a number of ancillary plant rooms including an electricity substation.

The main entrance to the building is located beneath the sheltered arcade which means it can be intuitively found and easily accessed from all approaches. Bin storage is at ground floor level rather than in the basement. Access for waste collection is via the adjacent car park.

#### Community Space

- 1.27 A community space is accommodated at ground level and entered at the north end of the arcade. This flexible double height space provides a community asset that can be used by residents of the building and the wider estate. The space is designed around three picture windows which frame the public space beyond. The adjacent kitchenette has sliding windows, allowing it to serve as a kiosk during events, creating a visual and physical relationship with the adjacent external amenity space.

## Transport

- 1.28 The proposal is car free, with car parking spaces within the Clem Estate to be utilised subject to the estate parking permit application process. Cycle parking is provided as described at mezzanine level providing a total of 232 cycle spaces.

### **Submitted Documents**

- 1.29 The applicant has submitted the following in support of the application:
- Covering Letter, prepared by Gerald Eve LLP
  - Planning Application form prepared by Gerald Eve LLP
  - Community Infrastructure Levy Form prepared by Gerald Eve LLP
  - Design and Access Statement, prepared by HHbR and Vogt
  - Energy Strategy by Arup
  - Sustainability Statement (Including SUDS) by Arup
  - Arboricultural Report by Aecom
  - Flood Risk Assessment by Arup
  - Construction Management Plan by Arup
  - Statement of Community Involvement by George Cochrane
  - Transport Assessment (including waste) by Vectos
  - Desk Based Contamination Report by Arup
  - Wind Microclimate by Aecom
  - Subterranean Construction Method Statement by Arup
  - Air Quality Assessment by Aecom
  - Acoustic Report by Arup
  - Daylight and Sunlight Statement by GIA
  - Townscape, Heritage and Visual Impact Assessment by Tavernor Consultancy
  - Revised Townscape, Heritage and Visual Impact Assessment by Tavernor Consultancy

## **2.0 PUBLICITY AND CONSULTATIONS**

- 2.1 Residents were notified of the application by way of 771 letters, a site notice posted on 23<sup>rd</sup> May 2017 and a press advert published 16 May 2017. A total of 63 objections were received which are summarised as follows:

- Construction plans - Heavy traffic and noise, fumes and dust from the traffic down residential roads already congested/ narrow
- Traffic and pollution from road and flight path above
- Increased traffic on roads which are already busy
- Safety of Children due to increased road traffic
- Suggestions to Use Dawes Road/Rylston Rd junction instead of North End Rd
- Bulky and unattractive appearance, replacing one eyesore with another
- Massing and visual impacts
- Not enough parking is provided and no resident parking permits should be granted to residents
- Noise and dust during demolition
- Height (far too tall)

- Impacts on sunlight/ light of neighbouring properties
- Too many units will result in a cramped space
- Increased height will reduce privacy, overlooking
- Height is not in keeping with the surrounding low density character
- Council conflict of interest due to JV
- Degradation of TV reception
- Impacts to noise and air quality on surrounding neighbours
- Poor consultation process
- Impacts of wind – create a wind tunnel/ increase wind and micro climates
- Servicing of the building – traffic, pollution and noise

### **Residents Associations**

- 2.2 The Fulham Society have commented that they are pleased that this site will be retained for social housing and consider the design to be both interesting and attractive. However, concerns are raised as to the height of the building and it setting a precedent within the surrounding area, the impact upon light to neighbouring properties. Concern is also raised to the lack of balconies, only one entrance, graffiti to the arcades and possible weathering.

### **Technical Consultations**

- 2.3 Technical consultations were undertaken and are summarised below:
- 2.4 London Fire Brigade: No comment received
- 2.5 Transport for London: no objection
- 2.6 Environment Agency: no comment received
- 2.7 Thames Water: The proposals in the Flood Risk Assessment do not meet our expectation of surface water attenuation. Further options need to be developed.
- 2.8 Historic England Archaeology: This is a major development located outside of an Archaeological Priority Area, the submission indicates that there is likely to be a high level of disturbance due to the 1960's estate construction. It is likely to be a low risk of harm to significant heritage assets of archaeological interest. No further assessment or conditions are therefore required.

### **GLA Stage I**

- 2.9 The application is referable to the Mayor of London under Category 1C of the Mayor of London Order 2008, 'Development which...is more than 30 metres high and is outside the City of London'.
- 2.10 The Mayor was consulted on 18 May with the 6 week period for a response therefore expiring on 29 June, to date the Mayor's Stage I response has not been received and no extension of the 6 week time limit to receive that response has been received or agreed. It is noted that TfL have responded with no objection.
- 2.11 Officers note that the GLA has been engaged on this proposed development by both officers and the applicant at the earliest stages in conjunction with the

proposed redevelopment at Watermeadow Court, with the first meeting being requested in January 2016. A further meeting took place in November 2016.

- 2.12 The pre-application response from GLA officers in January 2016 supported the proposal for the re-development of both sites with the 100% market units at Watermeadow Court and 100% replacement affordable units at Edith Summerskill in principle in strategic terms under London Plan Policy 3.3 and that, 'having regard to the difficulties associated with managing private and affordable tenures in a single core tower block and given that the redevelopment of Edith Summerskill can deliver sufficient replacement affordable housing for the 148 affordable units that exist on both sites.'
- 2.13 'GLA officers acknowledge that a mixed use tenure residential tower with a single core [Edith Summerskill House] can present issues associated with management and service charges, making it unattractive to Registered Social Landlords. As such the principle of 100% affordable housing development is supported.'
- 2.14 'It is understood that the redevelopment of Edith Summerskill House without market housing would not be viable in itself and therefore the redevelopment of the council owned Watermeadow Court as 100% market housing presents an opportunity to provide funding for the development at Edith Summerskill House. In accordance with Policy 3.12 of the London Plan 'Mixed and Balanced Communities' the applications will need to set out the full justification for the tenure split between the developments and the contribution in lieu of on-site affordable housing provision.'
- 2.15 'In the case of Watermeadow Court the assessment should test a scenario with on-site provision against a scenario with a contribution in lieu, in order to demonstrate that a contribution in lieu can deliver a greater amount of affordable housing. In the case of Edith Summerskill House the assessment should justify the shortfall in viability and the net cost of providing an affordable unit, in order to identify the amount of additional units that being provided by off-site contributions.'
- 2.16 These comments were reinforced in the pre-application response of November 2016, citing that the tenure split between rental and shared ownership units at Edith Summerskill House was supported in accordance with London Plan Policy 3.9.
- 2.17 The 18 November 2016 response concludes by stating that 'As per previous advice the key principles of the schemes are supported'. Members will note that the applications were submitted in May 2017.
- 2.18 Officers note that that the development proposals at both sites have undergone minor design changes since the last pre-application response in November 2016, however the overarching proposal and approach to affordable housing remains the same.

#### Design and Transport

- 2.19 In terms of design, both responses supported the design of the proposal at Edith Summerskill House. GLA officers welcomed the attention to the window design

that improves the appearance of the building as well as enhancing the amenity of future occupiers. The principle of the colonnade is supported subject to consideration of the ground floor layout to activate this space. GLA officers considered that the emerging design as of January 2016 to be of the highest architectural quality that would be likely to enhance the townscape and provide a good level of residential accommodation.

2.20 The car free approach with estate management controlled parking permits for estate car parking spaces was supported by TfL, accessible spaces on the estate should be identified. General comments were made with regard to cycle parking provision.

### **Disability Forum**

2.21 The proposal was presented to the Disability Forum: We welcome the effort made to address some of our comments from the pre-app meeting on 18th January 2017 such as the external level landing, wheelchair storage & transfer space by the entrance, inclusion of 2 accessible parking bays onsite.

2.22 90% of the flats should comply with M4(2) accessible and adaptable dwellings and 10% (13 units) with M4(3) wheelchair accessible dwellings (WAU) on completion (not wheelchair adaptable because the council has nomination rights). The following are points were made:

- correct dimensions for M4(2) accessible and adaptable dwellings and M4(3) wheelchair accessible dwellings;
- bedroom and bathroom ceiling structure in all 13 WAU strong enough to allow the fitting of an overhead hoist;
- 24/7 lift maintenance contract to ensure no one trapped on upper floors;
- either lift cores fire rated or refuge areas in the stair cores to avoid anyone trapped in case of a fire; (architects agreed to review fire strategy of the building)
- 2 blue badge parking bays identified on site. Identify 11 on street parking bays to ensure the 13 WAU have blue badge parking bays.
- accessible arrangements for internet deliveries and post boxes provided
- storage and charging points for mobility scooters provided in the larger cycle stores
- landscaping proposals meet needs of all users including blind and visually impaired people
- landscaping proposals include variety of public seating with back and arm rests also in the sculptural seating and informal play area.
- wheelchair units marked out in perpetuity on drawings for prospective occupiers or purchasers

### **Design Review Panel**

2.23 The panel most impressed by the quality, rigour and invention displayed in this project. The panel supported the elevational strategy which proposed a layered facade with textured and smooth pre-cast panels gathered into two and three storey groupings with arched openings. They applauded the rigorous assessment of the design, testing the building in distant and local views and its impact on the interior. Discussion was had as to how the building might weather

over time and whether thought about its appearance over time might be considered.

- 2.24 The panel supported the proposed strategy of providing larger units in lieu of dedicated private amenity space. This was justified by the likely environmental conditions at height. The panel felt that upgrades to communal ground floor amenity space should be conceived as an integral part of the strategy.

### **3.0 PLANNING CONSIDERATIONS**

- 3.1 Stanhope and Hammersmith & Fulham formed a 15 year 50/50 Joint Venture (HFS Developments) in 2014 to develop sites across the Borough for housing and other uses that met the council's objectives. Two sites were identified early and two conditional land sale agreements ("CLSA") were entered into by the Joint Venture. The council will receive market value for the land, Stanhope and its funding partner funds all development costs and the parties share the profit on a pre-agreed basis. The whole process to select a partner was widely marketed and tendered through an OJEU process back in 2013. As a 50% participant in the Joint Venture the council and Stanhope have to agree a strategy for taking forward development opportunities.
- 3.2 The first sites to be developed are sites known as Watermeadow Court and Edith Summerskill house and CLSAs were signed for the development of these sites. Officers consider that the commercial terms within the CLSAs are a private law contract matter as such are not a material consideration and have not taken it into account in forming their planning judgment.
- 3.3 However, it is noted that there are a number of provisions that relate to planning land use matters, for example the provision of affordable housing, replicate a number of planning obligations to be secured by a s106 agreement and conditions required which are required to make the proposal acceptable and in accordance with the statutory development plan. The planning obligations and conditions are set out in the body of the report. Thus, in so far as the terms in the CLSAs relate to planning land use matters, they are not material considerations and have not been taken into account by planning officers

#### **Policy Framework**

- 3.4 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 3.5 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 3.6 In this instance the statutory development plan comprises the following the London Plan (2016), the Hammersmith and Fulham Core Strategy (2011) (the Core Strategy) and the Hammersmith & Fulham Development Management Local Plan (2013) (DMLP). A number of strategic and local supplementary



planning guidance and other documents are also material to the determination of the application.

- 3.7 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.8 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 3.9 The NPPF is aimed at safeguarding the environment while meeting the need for sustainable growth. It advises that the planning system should:
- plan for prosperity by using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - b) plan for people (a social role) - use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
  - c) plan for places (an environmental role) - use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy. The NPPF also underlines the need for councils to work closely with communities and businesses and actively seek opportunities for sustainable growth to rebuild the economy; helping to deliver the homes, jobs, and infrastructure needed for a growing population whilst protecting the environment.
- 3.10 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted.

## **Proposed Local Plan**

- 3.11 The Council submitted, on 28 February 2017, the Proposed Submission Local Plan and supporting documents to the Secretary of State for Communities and Local Government. The Proposed Submission Local Plan was subject to examination in public between 13 and 22 June 2017. In light of the fact that an independent examination has recently concluded it is considered the Proposed Submission Local Plan should be given weight in considering and determining this application.

## **Assessment**

- 3.12 The principle issues to be assessed in relating to the submitted development proposal are considered to consist of:
- Land use
  - Housing
  - Design
  - Highways implications
  - Residential Amenity
  - Daylight and Sunlight Impacts
  - Microclimate
  - Air Quality
  - Land Contamination
  - Flood risk and drainage

## **PRINCIPLE OF DEVELOPMENT – LAND USE**

- 3.13 **The NPPF** seeks to significantly boost the supply of housing (paragraph 49), and states that: "housing applications should be considered in the context of the presumption in favour of sustainable development".
- 3.14 **London Plan 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). **Policy 3.3D of the London Plan** states that boroughs should seek to achieve and exceed these housing targets
- 3.15 **London Plan Policies 2.13 and 3.3** state that minimum housing targets should be exceeded
- 3.16 **Core Strategy Policy H1** 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.

- 3.17 **DMLP Policy DM A1** requires the council will seek to exceed the London Plan housing target by delivering housing on both identified and windfall sites and as a result of change of use.
- 3.18 **DMLP Policy DM D1** sets out that proposals for new or expanded community uses, which includes arts, cultural and entertainment uses, should meet local need, be compatible with and minimise impact on the local environment and be accessible to all in the community they serve.

#### Residential

- 3.19 The application proposes 133 residential units, all of which will be provided as affordable homes at a mix of 80% social rent and 20% intermediate rent
- 3.20 There is a pressing need for additional housing in London, and particularly a need for significant new levels of affordable housing. The existing site is in residential use and has been vacated prior to demolition due to the sub-standard accommodation provided by the present building. The proposal would increase the quantum of residential units and would continue to be 100% affordable housing. Officers consider the need to provide additional housing and in particular the provision of much needed social rented accommodation to address the local need is acceptable in principle.
- 3.21 The residential-led redevelopment of the site is considered appropriate in light of adopted and draft policies in accordance with the requirements of the NPPF, regional and local planning policy subject to further comments within the following sections.

#### Ancillary Community Space

- 3.22 An ancillary community space is to be provided at ground floor level to be operated by the appointed registered provider. The provision of such facilities is strongly supported by adopted policy, in particular DMLP Policy DM D1 as above, and it is considered that such a facility would provide a beneficial use within the proposal and would be a positive provision within the context of the immediate area of the Clem Attlee Estate. The provision is considered a public benefit delivered by the proposal.
- 3.23 All the proposed land uses are supported by adopted policy. Officers consider that the residential use is appropriate in this location and would replace and existing, vacant and to be demolished residential building set within a residential context. The ancillary community facility is suitable within the building and for the benefit of residents. The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3, Core Strategy Strategic Policy H1, Core Strategy Policies BE1 and LE1, DMLP Policies DM A1 and DM D1

## HOUSING

### Affordable Housing

- 3.24 At the regional level, the London Plan emphasises the need for more homes in the capital at a range of tenures and of a range of sizes. As such there are several planning policies that seek to support the development of residential properties across the city.
- 3.25 **London Plan Policy 3.9 (Mixed and Balanced Communities)** states that a more balanced mix of tenures should be sought in all parts of London, particularly in neighbourhoods where social renting predominates and there are concentrations of deprivation.
- 3.26 **London Plan Policy 3.9** goes on to state that communities, mixed and “balanced by tenure and household income, will be promoted across London through incremental small scale, as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment”.
- 3.27 **London Plan Policy 3.10** outlines that homes “should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision”.
- 3.28 **London Plan Policy 3.10** defines affordable housing as: "social rented, affordable rented and intermediate housing (para 3.61), provided to eligible households whose needs are not met by the market. ..." and defines each as follows:
- Social Rented Housing - is owned by local authorities or registered providers, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Mayor. Social rent is lower than affordable rent.
  - Affordable Rented Housing is that which is let by local authorities or registered providers of social housing and is subject to controls requiring a rent of no more than 80% of the local market rent (including service charges where applicable).
  - Intermediate Housing - is available for sale or rent at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rent. Households whose annual income is in the range £18,100-£66,000 should be eligible for new intermediate homes. For homes with more than two bedrooms, which are particularly suitable for families, the upper end of this eligibility range will be extended to £80,000. These figures will be updated annually in the London Plan Annual Monitoring Report.

- 3.29 **London Plan Policy 3.11 (Affordable Housing Targets)** sets a London wide affordable housing target of at least 13,200 more affordable homes per year. The policy advises that 60% of new affordable housing should be provided for social or affordable rent and 40% for intermediate rent or sale, with priority accorded to the provision of affordable family housing. The London Plan addresses the introduction of affordable rent, with further guidance set out in the Housing SPG. With regard to tenure split the Mayor's position is that both social rent and affordable rent should be within the 60%.
- 3.30 **London Plan Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)** seeks negotiation to secure the maximum reasonable amount of affordable housing within new development taking account of the individual circumstances including development viability.
- 3.31 **London Plan Policy 3.14 (Existing Housing)** states that Boroughs should resist the loss of housing, including affordable housing, unless the housing is replaced at existing or higher densities with at least equivalent floorspace. It goes on to promote the efficient use of the existing stock of housing by reducing the number of vacant, unfit and unsatisfactory dwellings, including through setting and monitoring targets for bringing properties back into use. Further, boroughs should prioritise bringing back into use homes that have been empty or derelict.
- 3.32 Supporting paragraph 3.82 states that "Estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area (see Policy 3.9), and the amount of affordable housing intended to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing"
- 3.33 **Core Strategy Policy H2 (Affordability)** sets a borough wide target that 40% of all additional dwellings should be affordable.
- 3.34 **Draft Local Plan Policy HO3 (Affordable Housing)** provides more detailed guidance on the level of affordable housing, stating that housing schemes should increase the supply and improve the mix of affordable housing to help achieve more sustainable communities. Stating that at least 50% of housing units should be affordable, of which 60% should be social or affordable rent and 40% should be for intermediate housing.
- 3.35 **The Mayor of London published the Housing SPG** in March 2016 which was subsequently updated in May 2016.
- 3.36 Para 5.1.13 states that as a general guide, where redevelopment of affordable housing is proposed, it should only be permitted where it is replaced by better quality accommodation, providing at least equivalent floorspace of affordable housing. The Plan provides flexibility to take into account local circumstances when considering individual proposals for estate renewal in terms of:
- the regeneration benefits to the local community

- the proportion of affordable housing in the surrounding area and the need to provide mixed and balanced communities (Policy 3.9)
  - the amount of affordable housing intended to be provided elsewhere in the borough.
- 3.37 Para 5.1.15 goes on to state that the objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary.
- 3.38 The Mayor of London published the **draft ‘Homes for Londoners’ Supplementary Planning Guidance** in November 2016 for consultation.
- 3.39 Paragraph 2.54 of the Draft Guidance states that schemes which include the loss of affordable housing will be required to ensure that existing affordable housing is replaced by better quality accommodation, providing at least the equivalent floorspace of affordable housing. The document states that the Mayor expects existing affordable housing to be replaced on a like-for-like basis, meaning there should be no net loss of existing affordable housing tenures (including social rented accommodation).
- 3.40 **The Mayor published a draft Guide to Estate Regeneration** in December 2016 and consulted on the draft Guide between 13 December 2016 and 14 March 2017.
- 3.41 Paragraph 9 of this document states that the Mayor believes that, where demolition and rebuilding is chosen as part of estate regeneration, this should only happen where it does not result in a loss of social housing, or where all other options have been exhausted. This principle will apply to estate regeneration projects that seek new funding from the GLA. Paragraph 10 states that where GLA funding is not involved, current London Plan policy states that the loss of affordable housing should be resisted unless it is replaced with better quality homes at existing or higher densities with at least the equivalent amount of floorspace. The Mayor will continue to apply this approach when considering planning applications for estate regeneration projects. The policy will be reviewed as part of the development of his new London Plan, the draft of which is due for publication in 2017.

#### Assessment

- 3.42 The development will deliver 133 new affordable dwellings. The tenure of the proposed units will be 80% social rented and 20% intermediate rent with controlled rent levels so as to be accessible to households on lower incomes. The Site is currently occupied by vacant buildings ranging in height between three and four storeys, comprising a total of 68 residential units (Class C3), 61 of these are social rented, the balance of 7 being leaseholders under Right to Buy.
- 3.43 The delivery of the development at Edith Summerskill House is subject to a commuted payment from the development at Watermeadow Court under ref. 2017/01841/FUL which would provide 100% market units on a site currently occupied by 62 social rent properties. It is therefore proposed that the affordable housing required at Watermeadow Court will be provided both off-site at Edith

Summerskill House and by way of commuted payment into the council's affordable housing fund. The existing and proposed residential units by number and tenure for both sites is as follows:

<b>Existing</b>	<b>Social Rented (units)</b>	<b>Intermediate Rent (units)</b>	<b>Private (units)</b>	<b>Total</b>
ESH	61	0	7 (RTB)	68
WMC	62	0	18 (RTB)	80
Total	123	0	25	148
<b>Proposed</b>	<b>Social Rented (units)</b>	<b>Intermediate Rent (units)</b>		<b>Total</b>
ESH	105	28	0	133
WMC	0	0	219	219

3.44 As such over both sites over both sites there are 148 existing units, of these 123 were affordable with a social rented tenure with the remaining 25 being bought under the Right to Buy scheme and therefore being classed as market units. As proposed there are 133 affordable units which represents an increase of 10 affordable housing units.

3.45 In terms of tenure there is a loss of 18 social rented affordable units across both sites. However, in terms of floorspace, the total existing affordable floorspace is as follows:

	<b>Existing GEA sqm</b>	<b>Proposed GEA sqm</b>
<b>ESH</b>	7090 (affordable and RTB)	16,262 (affordable)
<b>WMC</b>	7107.5 (affordable and RTB)	22,661 (Market)
Total	14,197	38,923

3.46 The total proposed affordable floorspace at Edith Summerskill House is 16,262 sqm GEA, so overall there is an uplift in the affordable housing floorspace of 2,065 sqm GEA. This figure represents a change from a purely social rented tenure across both sites, to an 80% social rented, 20% intermediate rented tenure split at Edith Summerskill House.

3.47 The overall loss of social rented units, despite there being an increase in affordable floorspace overall, is because the size of the units at Edith Summerskill House. These are provided in excess of the minimum London Plan standards, whereas the existing affordable units are all sub-standard. Additionally that development is also required to increase the floor to ceiling heights in addition to modern safety and noise attenuation requirements. The development therefore results in higher quality replacement affordable housing at a higher quantum and floorspace, but at a different tenure mix.

3.48 London Plan Policy 3.14 states that there should be no net loss of affordable housing unless it is replaced at existing or higher densities with at least the equivalent amount of floorspace. The proposals across both sites provide more affordable floorspace than existing. London Plan Policy 3.14 also promotes reducing the number of unfit, unsatisfactory dwellings. The proposals at both

sites will achieve this by replacing old derelict sub-standard accommodation with high quality accommodation.

- 3.49 Supporting Paragraph 3.82 of London Plan Policy 3.14 states that proposals for estate renewal should take account of the proportion of affordable housing in the surrounding area and the amount of affordable housing to be provided elsewhere in the borough. As set out above, the proposals will still result in a mixed and balanced community in the surrounding area of both sites and the loss of affordable floorspace at Watermeadow Court should take account of the proposed affordable floorspace to be provided elsewhere in the Borough at Edith Summerskill House.
- 3.50 Furthermore, paragraph 3.82 states that where redevelopment of affordable floorspace is proposed, it should not be permitted unless it is replaced by better quality accommodation providing at least an equivalent amount of affordable housing floorspace. The proposed floorspace at Edith Summerskill House is of extremely high quality of a much higher standard than existing, and there will be more affordable floorspace at Edith Summerskill House than the existing Watermeadow Court and Edith Summerskill House affordable floorspace as set out in paragraph 32.
- 3.51 The Mayor's Housing SPG reflects the above policies stating that where redevelopment of affordable housing is proposed it should only be permitted where it is replaced by better quality accommodation providing at least equivalent floorspace for affordable housing. It also provides flexibility to take account of the local circumstances when considering individual proposals for estate renewal in terms of regeneration benefits to the local community; proportion of affordable housing in the local area (as in London Plan Policy 3.9) and the amount of affordable housing intended to be provided elsewhere in the Borough.
- 3.52 As set out in detail further in this report the proposal provides mixed and balanced communities at both locations and takes account of affordable housing to be delivered elsewhere in the Borough. In terms of regeneration benefits, the existing site is abandoned and derelict and is detrimental to the character and appearance of the local area. The proposal is considered by officers to improve the appearance of the site and create active frontages, the full assessment of this being set out in the relevant subsequent section of this report.
- 3.53 Paragraph 5.1.15 of the Housing SPG states that the objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary.
- 3.54 Paragraph 2.54 of the Mayor of London's draft 'Homes for Londoners' SPG November 2016 states that affordable housing should be replaced on a 'like for like' basis, meaning there should be no net loss of existing affordable housing tenures (including social rented accommodation).
- 3.55 As set out above, there is a net gain of 10 affordable units but a loss of 18 social rented units across both Edith Summerskill House and Watermeadow Court. There is, however, an increase of 2,065sqm of affordable floorspace, but it is of a



much better quality and provides accommodation that now complies with current day standards whereas the existing social rented units are all sub-standard.

- 3.56 Paragraph 10 of the Mayor's draft Guide to Estate Regeneration states that where GLA funding is not involved, the loss of affordable housing should be resisted unless it is replaced with better quality homes with at least the equivalent amount of floorspace. As set out above the proposals will not result in the loss of affordable floorspace across both sites and will provide better quality accommodation.
- 3.57 In conclusion the proposals at Edith Summerskill House and Watermeadow Court will deliver:
- More affordable housing floorspace than existing;
  - Better quality affordable accommodation;
  - Mixed and balanced communities in both areas; and
  - More housing.
- 3.58 Officers consider that the proposed 100% market units of Watermeadow Court with the proposed mechanism of delivering off-site affordable housing at Edith Summerskill House accord with Policies 3.9 and 3.14 of the London Plan, the Housing SPG draft guidance 'Homes for Londoners' and the Draft 'Guide to Estate Regeneration' December 2016.

#### Summary

- 3.59 The principle of 100% affordable housing provision is considered acceptable, with the delivery of much needed quality social and intermediate rented dwellings within the borough. The overall number of affordable units and floorspace would be an increase over that exist over both the site and Watermeadow Court.
- 3.60 Therefore, although there is a loss of affordable floorspace through the proposed development of Watermeadow Court, this would be offset by the increase in affordable units and floorspace between the two sites and an additional contribution would further deliver units through the council's affordable housing programme. The loss of 17 social rented units is for the reasons stated and would result in a mixed tenure development at Edith Summerskill House, replacing the existing mono-tenure building and contributing to the range of affordable options available.
- 3.61 It is therefore concluded that a far greater amount of affordable floorspace can be provided off site at Edith Summerskill House than will be achieved at Watermeadow Court plus the payment will help to secure the delivery of the Edith Summerskill House scheme in its entirety.

#### Housing Mix

- 3.62 **The NPPF requires** new development to deliver sustainable, inclusive and mixed communities in accessible locations. To achieve mixed communities, the NPPF advises that a variety of housing should be provided in terms of size, type, tenure and price and also a mix of different households such as families with children,

single-person households, people with disabilities, service families and older people.

3.63 **London Plan Policy 3.8** seeks to promote housing choice by supporting residential development proposals which provide a mix of unit sizes and types. **London Plan Policy 3.9** seeks to secure that communities are mixed and balanced by tenure and housing income across London.

3.64 **Core Strategy Borough Wide Strategic Policy H4 (Meeting Housing Needs)** states that, "there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services".

3.65 **DMLP Policy DM A3 (Housing Mix)** states that, "all new housing provided as part of new major development should provide a mix housing, including family housing. In respect of the social rented provisions which are relevant in the case of this submission, developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis. The policy states that where social rented housing is replacing existing social rented housing the new housing should meet the needs of the relocating tenants.

3.66 The following table sets out the applicants proposed housing mix:

<b>Unit Size</b>	<b>Existing No.</b>	<b>Proposed No.</b>	<b>Change in No. Units</b>
<b>1b2p</b>	4	38	+34
<b>1b2p WA</b>	0	7	+7
<b>2b3p</b>	48	31	-17
<b>2b3p WA</b>	0	6	+6
<b>2b4p (corner)</b>	0	14	+14
<b>2b4p</b>	0	37	+37
<b>3b3p</b>	16	N/A	-16
<b>Total</b>	<b>68</b>	<b>133</b>	<b>+65</b>

3.67 The Housing Register confirms that 2 bedroom properties are the highest demand among applicants in housing need. As such, it is considered that the proposals would deliver suitable social housing to meet the evidenced demand and deliver a higher proportion of two bedroomed properties

3.68 Edith Summerskill House is currently vacant due to high levels of asbestos and sub-standard sizes of apartments making refurbishment uneconomic.

3.69 The proposed tenure is of complementary tenures with one core. Officers support this approach and the delivery of as much affordable floorspace as possible to meet housing need and provide the replacement provision required both social rented and intermediate rental.

Mixed and Balanced Communities

3.70 Supporting Para 3.82 of Policy 3.14 and the Housing SPG 2016 state that Estate Renewal should take into account inter alia the proportion of affordable housing in the surrounding area (see Policy 3.9) and the amount of affordable housing to be provided elsewhere in the borough.

Fulham Broadway Ward	Owned Outright	Owned Mortgage	Shared Ownership	Council Rented	RSL/HA Rented	Private Rented	Rent Free
	% of households	% of households	% of households	% of households	% of households	% of households	% of households
	13.3	15	1.2	17.6	18.6	32.8	1.5
	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households
662	746	60	875	926	1632	75	

3.71 The site is located in the Fulham Broadway Ward. The table above shows that of 4,976 units, there are 1,861 affordable units comprising shared ownership, council rented and RSL/HA rented units. The proposal will increase the number of affordable housing resulting in a balanced and mixed tenure across the ward, in accordance with London Plan Policy 3.9.

3.72 Officers consider that the proposal provides a range of affordable rent unit sizes which are considered to respond positively to the site characteristics and the demand for social rented accommodation for households with moderate to severe housing needs. Whilst 100% affordable, the proposal introduces 20% intermediate rent to the previously 100% social rented building and, given consideration to the wider demographics, would not lead to a monotenure development and maintain a mixed and balanced ward. The proposed housing mix is considered to be acceptable and in accordance with the relevant planning policy.

### Housing Density

3.73 **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.

3.74 **London Plan Policy 3.4 (Optimising Housing Potential)** seeks to ensure that housing developments achieve the maximum intensity of use while taking account of local context and character, public transport accessibility and the attainment of a high quality design. Density guidance is provided in Table 3.2.

3.75 **The London Plan** (para. 2.62) highlights scope for large sites to determine their own character in terms of residential densities. **The Mayor's Housing SPG 2016** states the potential for increased densities should be positively explored and enabled on large sites and in opportunity areas.

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

- 3.77 **Core Strategy Policy H3**, states that the council will expect all housing development to respect the local setting and context, provide a high quality residential environment and be well designed and energy efficient. In terms of density, the council will take account of London Plan Policy 3.4, as detailed above.
- 3.78 **DMLP Policy DM A2** states that, in assessing the appropriate density of a housing or mixed use scheme that includes housing, the council will apply the Core Strategy and London Plan policies and guidance relating to residential density.
- 3.79 The site has a Public Transport Accessibility Level (PTAL) of 2 and this indicates a guideline density range of 300-450 HR/Ha. The proposed development has a density of 477 HR/Ha and is therefore slightly in excess of the guideline density range as set out in the London Plan but is nevertheless considered to be an appropriate density for the site, given that it is in practice very accessible by public transport and within walking distance of Fulham Broadway (Fulham Town Centre). This approach to maximise the delivery of housing on the existing site was supported at pre-application by the GLA.
- 3.80 In conclusion, whilst the proposed density is higher than the recommended guide, officers consider the density is acceptable, given the location and transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver social rented homes. The proposed residential density is considered to be acceptable and would broadly accord with London Plan Policy 3.4, Core Strategy Policy H3, Local Plan Policy DM A2 and the guidance within the Mayors Housing SPG.

### Standard of accommodation

- 3.81 **London Plan Policy 3.5** (quality and design of housing developments) requires that housing be of the highest quality. **The Housing SPG (2016)** sets out the Mayor's Housing Standards, incorporating the latest national technical standards.
- 3.82 **Table 3.3 accompanies Policy 3.5 of the London Plan** and provides minimum sizes for residential units. The unit sizes within the proposed development all meet or exceed the minimum space standards. The development is considered acceptable in this regard.
- 3.83 The proposed 133 units would all exceed London plan space standards. The amenity space required has been internalised and as such is in addition to the minimum internal space.

Unit Size	Proposed Sqm GIA	London Plan Standard	London Plan + Amenity	Total
1b2p	56.8	50	55	38
1b2p WA	69.6	-	-	7
2b3p	69.6	60	66	31
2b3p WA	78.2	-	-	6
2b4p (corner)	77.9	70	77	14
2b4p	78.2	70	77	37
<b>Total</b>				<b>133</b>

3.84 Overall officers are satisfied that the proposal would provide an acceptable standard of accommodation for its residents.

### **Amenity Space**

3.85 **Policy 3.6 of the London Plan** requires that adequate playspace for children is required. The GLA's Shaping Neighbourhoods: Play and Informal Recreation' SPG (2012) requires the provision of play space for children within new residential development commensurate with the child yield of the development, and identifies different needs for children of different ages.

3.86 **Core Strategy Policy H3** promotes shared amenity space in large residential developments. **Core Strategy Policy OS1** seeks to ensure the provision of quality accessible and inclusive open space and children's play space.

3.87 **Core Strategy Policy BE1** seeks good quality public realm and landscaping.

3.88 The private amenity spaces for each unit have been internalised and the required floorspace added to the internal layout of the property. Given the nature of the building this is considered acceptable and is a positive design response. Juliet balconies with opening windows are provided to allow for natural ventilation.

3.89 Areas of open space are provided within the wider estate including Clem Atlee Playground B is within 100m of the Site and Clem Atlee Playground A, Normand Park Playground and Lancaster Court MUGA are located within 400m. Clem Atlee Garden is the closest open space to the proposed development and provides approximately 0.11ha of open space suitable for passive recreational use.

3.90 The GLA's play space calculator establishes that the scheme is identified as producing a yield of 79 children, which represents a reduction of 1 child from the existing building assuming full occupation; 10sqm of play space per child is required and therefore the quantum triggered by the proposed scheme would be 790sqm.

3.91 Due to the footprint of the proposal the opportunities for delivering suitable playspace on-site are limited. As such a contribution is secured through the s106 agreement towards the provision of improved public realm, the submission identifies Clem Attlee Playground in particular and includes possible designs for the enhancement of this space. Officers consider this acceptable both in terms of the delivery of provision for the proposed development but also in delivering a large benefit to the wider estate and its residents.

3.92 Officers consider that the amenity and play space provided accords with the above policies and would provide a high quality of private and communal amenity for future occupants.

### **Accessibility**

3.93 **Policy 7.2 of the London Plan** requires all new development to achieve the highest standards of accessible and inclusive design.

- 3.94 **Policy DM A4 of the DMLP** states that car parking spaces provided on site should include the needs of blue badge holders. **DMLP Policy DM G1** and **SPD Design Policies 1 and 8** require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings.
- 3.95 **SPD Design Policy 1** states that buildings should be accessible and inclusive to all. It states that drawings submitted for planning approval should show external access features for detailed approval, showing how internal facilities will cater for different users and how barriers to access will be overcome, as well as showing circulation routes and explaining how accessibility will be managed when the development has come into use. **SPD Design Policy 2** refers to entrances into a building and states that any entrances to a building which are above or below street level, or positioned to be street level, should level or the slope should not exceed a gradient of 1 in 20 from the street.
- 3.96 The tower will have level access at the main entrance and lifts will provide visitors and residents with access to all floors of the building. In addition 13 units will be wheelchair accessible which equates to 10% of the units within the building. Two off-street accessible parking spaces will be provided, situated to the north east of the building, and accessed from the Clem Attlee Estate link road from St Thomas' Way and this is further assessed in the Transport section of this report. 90% of the units have been designed to meet building regulations M4(2) and 10% have been designed to meet M4(3).
- 3.97 An Inclusive Accessibility Management Plan, as requested by the Disability Forum, is secured and this is considered reasonable and necessary to secure appropriate accessibility as these design elements evolve. Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable in accessibility terms.

## **DESIGN AND TOWNSCAPE**

### **Urban Design**

- 3.98 **Paragraph 56 of the NPPF** states that great importance is attached to the design of the built environment. **Paragraph 58** states that planning decisions should aim to ensure that developments 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'.
- 3.99 **Paragraph 60 of the NPPF** states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not

stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'. Paragraph 63 adds that great weight should be given to outstanding or innovative designs which help raise the design more generally in the area.

- 3.100 **London Plan Policy 7.1** requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.
- 3.101 **London Plan Policy 7.2** requires all new development in London to achieve the highest standards of accessible and inclusive design. **London Plan Policy 7.3** seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.
- 3.102 **London Plan Policy 7.4** states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment.'
- 3.103 **London Plan Policy 7.5** promotes public realm and requires the provision of high quality public realm that is comprehensible at a human scale.
- 3.104 **London Plan Policy 7.6** addresses architecture and states that buildings should be of the highest architectural quality which "is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials." Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality".
- 3.105 **Policy BE1 of the Core Strategy** states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.
- 3.106 With regard to tall buildings **Policy BE1** states that "Development within the Borough which includes tall buildings which are significantly higher than the generally prevailing height of buildings in the surrounding area, particularly where

they have a disruptive and harmful impact on the skyline, will generally be resisted, unless it is demonstrated as part of an urban design strategy that there are townscape benefits and that there is also consistency with the council's wider regeneration objectives."

3.107 **Policy DM G1 of the DMLP** seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. It states that:

"All proposals must be designed to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form and grain of surrounding development;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) the principles of good neighbourliness;
- f) the local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm; and
- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) the principles of Secured by Design."

3.108 **Policy DM G2 of the DMLP** 'Tall Buildings' sets out criteria for the assessment of tall building proposals in areas that have been identified in the core strategy as appropriate for tall buildings. These include that tall buildings should have an acceptable relationship to the surrounding townscape context, an acceptable impact on the skyline and locally important views, and have an acceptable impact on the setting of heritage assets. Tall buildings, which are defined as those that are "significantly higher than the general prevailing height of the surrounding townscape" should be of the highest architectural quality and contribute positively to the public realm.

3.109 **Draft Local Plan Policy DC1** requires all development within the borough including the regeneration areas to create a high quality urban environment that respects and enhances the townscape context and heritage assets. This should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.

3.110 **Draft Local Plan Policy DC2** states that new 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.

3.111 **Draft Local Plan Policy DC3** refers to tall buildings which are significantly higher than the general prevailing height of the surrounding townscape and which have a disruptive and harmful impact on the skyline, will be resisted by the Council.



- 3.112 In terms of guidance on tall buildings, **the joint national guidance produced by Historic England and CABE** states that and in the right place tall buildings can make a positive contribution to the identity of areas and the skyline generally, and that they can be excellent works of architecture in their own right. The guidance goes on to say that they can serve as beacons of regeneration.
- 3.113 This is a significant piece of redevelopment which due to its scale will be visible from various locations in the surrounding townscape. The acceptability of the proposed tall building then needs to be judged on the impact that it would have on views from the surrounding townscape and in particular the impact on the setting of the surrounding heritage assets. A series of visual studies have been prepared in order to assess the impact. A detailed analysis of these is carried out in the Townscape Assessment.

#### Overview

- 3.114 The site is currently occupied by an 18 storey tower that is set back from the predominant building line of St. Thomas's Way. It is not aligned with the buildings on either side, George Lingren House and Nye Bevan House and the edge of the street is weakly defined as a result. There is an open area of play space to the north and poor quality public realm around the base of the building and parking spaces on the south side. The base of the building fails to integrate well with the surrounding context with no indication of the entrance from the main streets and largely blank inactive frontage facing St. Thomas's Way and the estate.
- 3.115 The existing ground floor lacks passive surveillance and engagement with the public realm. The tower has a utilitarian appearance lacking in exterior modelling and articulation apart from projecting balconies. 2 facades have limited openings presenting blank inactive frontage to the public real and which can also be seen in wider views around the site including from within several of the boroughs conservation areas. The tower currently makes a negative contribution to the local townscape.

#### The Proposal

- 3.116 The building footprint is arranged as two overlapping squares and its southern façade on St. Thomas's Way is aligned with the adjacent George Lingren and Nye Bevan Houses to create a more legible edge to the street. The proposed building has a larger footprint than the existing to accommodate 3 additional flats per floor compared to the existing. To mitigate this, the footprint and form are stepped on the north and south corners to reduce the apparent mass of the building and to generate primary elevations similar in width to the existing building.
- 3.117 The building has to accommodate a number of functions and uses at ground floor level and great care has been taken to make the frontages as active as possible to engage with the surrounding public realm and to ensure that it feels safe and overlooked. A newly landscaped amenity space in front of the St. Thomas's Way façade will be overlooked by large windows into the reception office and meeting room. An adjacent covered arcade will delineate the building entrance and provide a new public route from the amenity space into the estate. The entrance foyer, stair and community space will animate the route and the ground floor.

- 3.118 A new community space with generous glazing will face the re-landscaped playground and estate amenity space creating an active frontage to the public realm. The south-west façade has to accommodate uses that do not provide activity, bin stores and sub-station. In order to mitigate this, the mezzanine level above to the cycle storage room has 5 windows along the façade overlooking the public realm.
- 3.119 The proposed building at 80.27m (AOD) is approximately 20m taller than the existing which equates to 0.5m taller per residential floor to comply with modern standards. The ground floor is taller and includes a mezzanine to incorporate cycle storage. The elevations have been designed to respond to their context at a number of scales: the townscape, the streetscape and the immediate context at the base.
- 3.120 The approach to the composition of the facades addresses this through the creation of three distinct façade treatments: a large single storey plinth at ground level responds to the immediate context; double storey bays across floors 1-6 respond to the scale of the streetscape; triple storey bays on the upper levels have a civic presence at an urban scale. The building is characterised by a composition of 2 and 3 storey precast concrete columns and arches which are composed to moderate the scale of the building and provide depth and shadow, enriching the facades. These elegantly proportioned double and triple height bays help to reduce the apparent scale of the building and avoid the floor by floor repetition common in towers. The top of the building is crowned by a projecting open frame, an extension of the piers below, softening the silhouette and framing the sky.
- 3.121 The base of the building is conceived as a rusticated brick base, distinct from the precast concrete facades above, providing a tactile quality at street level and visually supporting the structure above. The ground elevations are animated with the large arches to the arcade and south eastern façade to respond to the scale of the immediate surroundings. Elevations will also feature perforated hit and miss brickwork to provide ventilation, and various glazed screens and openings responding locally to the requirements and character of the various communal ground floor spaces.
- 3.122 The upper level residential facades are conceived as a double skin. The inner skin has a domestic scale and composition in response to the individual flats while the outer skin has civic order and scale. This double skin will give the building depth and an interesting play of light and shadow across the day.
- 3.123 The inner skin facades are composed of windows with posts to either side and beams separating floors. All windows are of the same pattern with warm bronze anodized frames and spandrel panel below and an openable side panel with Juliet balcony. The repetition of units will create calm facades across the entirety of the upper floor. The recessed surfaces of the inner skin are heavily textured to create more shadow and intensify the distinction with the outer skin. Panels either side of the windows will have a vertical sinusoidal pattern whilst beams between floors will be heavily textured. In contrast, the outer skin of piers with arches will be smooth and finished in white grit blasted concrete.

- 3.124 The types of concrete selected for the façade have been chosen to weather in a characterful way. The light bricks in the building plinth have been chosen to provide texture and a tactile quality at street level to complement the public realm and to match the tone of the precast concrete above. A “wild” brick bond, which has a more random jointing pattern, has been selected for the plinth to provide a hand made rusticated quality. Discrete ventilation for bin stores and service areas is provided behind some areas of hit and miss brickwork that will give further texture and pattern to the ground floor.
- 3.125 The façade has been carefully designed to be constructed from precast panels which have been detailed with drips and sills to control water run-off and weathering. Joints to the 6m wide panels have been kept to the minimum so that the outer face reads as a continuous surface. The architects have specified a robust range of materials including precast concrete that can be constructed under off-site quality control conditions.
- 3.126 The arcade defining the route from St. Thomas’s Way into the site, has been designed on a grand scale with high arched ceilings. A contrast is provided between the light brick rusticated piers and the smooth concrete surfaces of the inner arches. Wide windows from the entrance lobby and reception overlook the arcade to make sure the route is safe and at high level, further windows with deep reveals also over look it from the mezzanine. External lighting for amenity spaces and for the arcade has been designed to be elegant, unobtrusive and to ensure safety. The external paving flows from the landscaped public forecourt on St. Thomas Way through the arcade and into the entrance foyer, seamlessly linking the ground floor of the building with the public realm.

#### Townscape and Visual Impact

- 3.127 **Policy DM G1 of the DMLP** 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 and requires that all proposals must be designed to respect the historical context and townscape setting of the site, and its sense of place;
- 3.128 **Policy DM G6 of the DMLP** ‘Views and landmarks of local importance’ states that: “Views afforded by the open nature of the boroughs riverfront are important in determining the character of each stretch of the riverside. Many heritage assets are located along the river, and it is important that their setting and relationship with the river is preserved or enhanced. The Council will refuse consent where proposed development in these views would lead to substantial harm to the significance of a designated heritage asset and townscape generally, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm caused.”
- 3.129 **Policy DM G7 of the DMLP** states that the Council will 'aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'.

- 3.130 A detailed Townscape, Heritage and Visual Assessment has been submitted that examines the impact of the building from 20 key viewpoints that officers were involved in identifying. Most of these views are from conservation areas and some are close to or within the Clem Atlee Estate. Officers consider that the proposal will not result in any adverse townscape, built heritage or visual effects either in isolation or cumulatively with other consented development.
- 3.131 Although the building is 20m taller and is also wider than the existing tower, the extra width is mitigated by the stepped back corners and combined with the extra height the overall impression is of an elegantly proportioned tower. The elevational treatment with its classically inspired rhythm with repeating arched pattern, slender supporting and inner recessed domestic skin is considered by officers to provide a very high quality appearance for the building. In the tested views the impact is considered to be beneficial in every case. This includes views of Grade II\* listed St. Thomas of Canterbury Church on Rylston Road due to the replacement of the very low quality existing tower in the view with a tower of superior design. In short, the tower is anticipated to make a positive contribution to the skyline.
- 3.132 Officers consider the proposed development against the development plan and consider that the proposals would be in accordance with Core Strategy Policies BE1, DMLP Policies DM G1, DM G2, DM G6 and DM G7, Draft Policies DC1, DC2 and DC3, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8 and the NPPF.

## **AMENITY IMPACTS**

### **Daylight and Sunlight**

- 3.133 An impact that could arise from the proposals is whether sufficient sunlight and daylight can reach existing dwellings. A number of objectors have raised concerns about loss of daylight and sunlight. Accordingly, this issue will be considered in some detail.
- 3.134 **Policy 7.6 of the London Plan** states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind, and microclimate. **Policy 7.7** adds that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation, and telecommunication interference.
- 3.135 There are no policies specifically about daylight, sunlight or overshadowing either within the DMLP or Core Strategy. **Policy DM G1** refers to impact generally and the principles of 'good neighbourliness'. **SPD Housing Policy 8** requires amenity of neighbouring occupiers to be protected.
- 3.136 **The Mayor's Housing SPG** is focused upon residential development, however it does also provide relevant additional commentary and guidance on the London Plan position with regard to sunlight, daylight and overshadowing , in particular with reference to London Plan Policy 7.6. This guidance states that an appropriate degree of flexibility needs to be applied when using BRE guidelines

to assess the daylight and sunlight impacts of new development on surrounding properties as well as within new developments themselves.

## Daylight

- 3.137 The BRE sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky line method (NSL) and the Average Daylight Factor (ADF) method. The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme.
- 3.138 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. An unobstructed window will achieve a maximum level of 40%. A good level of daylight is considered to be 27%. Daylight will be adversely affected if after a development the VSC is both less than 27% and less than 80% of its former value.
- 3.139 The plotting of the no-sky line measures the distribution of daylight within a room. The no-sky line indicates the area within a room where the sky cannot be seen through the window due to the presence of an obstructing building. For residential purposes the point at which this is measured is 0.85m above floor level. This is approximately the height of a kitchen work surface. Daylight will be adversely affected if after the development the area receiving direct daylight is less than 80% of its former value.
- 3.140 The BRE document also refers in Appendix C to other interior daylighting recommendations, in particular the British Standard for daylighting. This uses three main criteria, the Average Daylight Factor (ADF), the depth of the room and the position of the no-sky line. Even if the amount of daylight in a room (given by the average daylight factor) is sufficient, the overall experience of daylight will be impaired if its distribution is poor.
- 3.141 The ADF method measures the general illumination from sky light and takes into account the size and number of windows and size of room. The BRE test recommends an ADF of 5% or more if there is no supplementary lighting or 2% more if lighting is provided. There are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 3.142 It is considered that the most appropriate approach to the assessment of the impact upon daylight to existing dwellings is to consider different methods of assessing how well a room may be lit.

## Sunlight

- 3.143 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room facing 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE

states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more. Windows facing 90 degrees of due north need not be tested as they have no expectation of sunlight.

3.144 The BRE Guidelines should be applied sensitively to higher density development especially in opportunity areas, town centres, large sites and accessible locations where BRE advice suggests considering the use of alternative targets.

3.145 This mirrors the advice with the BRE guidance itself, which states that the advice is not a set of rules to be rigidly applied and should be interpreted flexibility and in particular in city centre and urban locations. The BRE guidance is for application to the UK as a whole, the majority of which is not an urban town centre, and as such the guidance is based on an 'ideal' suburban situation

3.146 The submitted Daylight and Sunlight report assesses the impacts using VSC, NSL and APSH and concludes that there is near full compliance with BRE Guidance for daylight and sunlight, with the exception of a small number of minor transgressions away from the BRE guidance. In the small number of instances where the guidance is not met, the transgressions occur to rooms served by more than one window, and therefore losses of daylight are not considered noticeable, or to rooms where the configuration of the building envelope partially obscures access to daylight and sunlight. Consideration must also be given to the existing building.

3.147 The assessment has taken into account the following properties:

- 57 -64 Fabian Road
- 58, 60, 62 Mirabel Road
- 24-46 John Smith Avenue
- 1-23 Nye Bevan House
- The Wellington, Public House, Haldane Road
- 70-79 Hartismere Road
- Kenneth Younger House
- 1-8 George Lindgren House
- John Strachey House
- Frank Beswick House

3.148 64 Fabian Road - This 2 storey end of terrace property is located on the corner of Fabian Road and St Thomas's Way and the rear elevation and main rear addition look directly at the site. The VSC and NSL analysis demonstrates full adherence to the BRE Guidance with the exception of the three windows serving the ground floor kitchen which experience reductions from the existing VSC levels of between 20 and 31%. However, taking into account the NSL to this room, there is a 9 % reduction to the daylight distribution and the NSL contour will cover 87 percent of the working plane area within the kitchen. It is therefore considered that this is a minor transgression away from the target values set out within the BRE Guidance. The sunlight(APSH) analysis demonstrates full adherence to the BRE Guidance.

- 3.149 63 Fabian Road - This end of terrace 2 storey residential property is located on the corner of Fabian Road and St Thomas' Way and has windows to the front elevation that could be affected by the proposed development. The VSC and NSL analysis for daylight demonstrates full adherence with the BRE Guidance. The sunlight APSH analysis demonstrates full adherence with the BRE Guidance.
- 3.150 62 Fabian Road - This residential property is located on Fabian Road, immediately adjacent to 64 Fabian Road. The VSC and NSL analysis for daylight demonstrates full adherence with the BRE Guidance. The sunlight (APSH) analysis demonstrates full adherence with the BRE Guidance.
- 3.151 61 Fabian Road - This residential two storey terraced property is located on Fabian Road, immediately adjacent to 63 Fabian Road and has windows on the front elevation that could be affected by the proposed redevelopment. The VSC and NSL analysis for daylight demonstrates full adherence with the BRE Guidance. The sunlight APSH analysis demonstrates full adherence with the BRE Guidance.
- 3.152 60 Fabian Road - This property is located immediately adjacent to 62 Fabian Road and has windows on the main rear addition that could be affected by the redevelopment. The daylight analysis indicates that full adherence to the BRE Guidance is achieved with the exception of one of the windows serving the ground floor kitchen which experiences a 20.4% reduction from the existing VSC value. Given that this room is also served by a further three windows which adhere to the BRE Guidance and a very small movement of the daylight distribution contour which is adherent to the BRE Guidance, it is considered that the reduction to the VSC of one window is acceptable. The sunlight APSH analysis indicates full adherence to the BRE Guidance.
- 3.153 59 Fabian Road - This property is located immediately adjacent to 61 Fabian Road and the daylight, VSC and NSL, and APSH sunlight analysis indicates full adherence with the BRE Guidance.
- 3.154 58 Fabian Road - This property is located immediately adjacent to 60 Fabian Road and the daylight, VSC and NSL, and APSH sunlight analysis indicates full adherence with the BRE Guidance.
- 3.155 57 Fabian Road - This property is located immediately to the south of 59 Fabian Road and the daylight, VSC and NSL, and APSH sunlight analysis demonstrates full adherence with the BRE Guidance.
- 3.156 62 Mirabel Road - This property is located on the corner of Mirabel Road and St Thomas' Way and has windows to the main rear elevation which could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates full adherence with the BRE Guidance.
- 3.157 60 Mirabel Road - This property is located immediately to the south of 62 Mirabel Road and has windows to the main rear addition and rear elevation which could be affected by the proposed redevelopment. The analysis, for daylight, demonstrates full adherence with the BRE Guidance however, at ground floor level the room to the main rear addition is served by numerous multifaceted bay

windows and it is noted that two of the windows will experience a reduction away from the existing VSC values of 21.2% and 20% respectively. It is considered that these are minor transgressions with the room being served by more than one window and it is not expected that the loss of daylight in this room to be noticeable. The APSH sunlight assessment demonstrates full adherence to the BRE Guidance.

- 3.158 58 Mirabel Road - This property is located immediately to the south of 60 Mirabel Road and the daylight and sunlight analysis demonstrates full adherence with the BRE Guidance.
- 3.159 24-46 John Smith Avenue - This three storey apartment block is located immediately to the west of the site and has windows on the south-east elevation and the south-west elevation that could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates full adherence with the BRE Guidance.
- 3.160 1-23 Nye Bevan House - This property is located immediately to the south west of the site and has windows on the north-west and north-east facing elevations which could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates that full adherence with the BRE Guidance is achieved.
- 3.161 Wellington Public House - This property is located on Haldane Road to the east of the site. It is established that residential accommodation is located on the first and second floors with the main public bar at ground floor level. The VSC and NSL daylight and APSH sunlight analysis demonstrates full adherence with the BRE Guidance.
- 3.162 70-79 Hartismere Road - These two storey residential properties are located on Hartismere Road immediately to the south east of the site. The even numbers (70-78) have windows to the main rear elevations and rear additions that could be affected by the proposed redevelopment and the odd numbers (71-79) have windows on the front elevation that could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates full adherence with the BRE Guidance with the exception of several windows to 74 Hartismere Road. This property has accommodation at ground, first and second floor levels contained within the main rear addition and rear elevation. At ground floor level the room is served by six panes, three contained within the multifaceted bay window and it is noted that two windows experience VSC transgressions away for the BRE Guidance. Considering the fact that the room is lit by several windows that form multi-paned bay windows and that the transgressions only occur to two of the six panes, officers would consider that these minor transgressions away from the BRE Guidance would not noticeably alter the daylight within the room. The APSH sunlight analysis for 74 Hartismere Road demonstrates full adherence to the BRE Guidance.
- 3.163 Kenneth Younger House - This four storey apartment block is located to the east of the site and has windows to the flank elevation which could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates that full adherence with the BRE Guidance is achieved. There is one instance of one window located on the flank elevation beneath an



access stairwell which does not meet the target guidelines for APSH however, it is noted that this window is frosted and small with a WC overflow pipe protruding from the wall indicating that the window serves a bathroom and therefore should not be considered.

- 3.164 1-8 George Lindgren House - This property is located immediately to the east of the site and consists of a four storey apartment block with windows in the flank elevation and north-west facing elevation that could be affected by the proposed redevelopment. The VSC and NSL daylight and APSH sunlight analysis demonstrates full adherence with the BRE Guidance with the exception of minor transgressions to two rooms at ground floor level where reductions to the VSC values are recorded. These minor transgressions would not be considered noticeable. At second floor level there is a further transgression of the BRE Guidance where a 38% reduction from the existing VSC value is recorded. However, officers do not consider this room to be habitable because the room forms part of a stairwell.
- 3.165 John Strachey House - This property is located immediately to the north of the site and has windows in the south-west and southeast facing elevations that could be affected by the proposed redevelopment. The VSC and NSL daylight analysis indicates full adherence to the BRE Guide. With regards to APSH sunlight, there is one instance where one second floor window does not meet the target BRE values. This is a small reduction to the existing APSH values, however the reduced values are marginally outside the BRE targets whereby the total annual sunlight is 24% APSH with the target value as set in the BRE Guide being 25% APSH. This 1% annual APSH reduction below the target is considered acceptable.
- 3.166 Frank Beswick House - This property is located immediately to the north west of the site and consists of a four storey apartment block with windows on the east and south facing elevations which could be affected by the proposed redevelopment. The VSC and NSL daylight analysis indicates full adherence with the BRE Guidance. With respect to APSH sunlight, it is noted that at third floor level, there are two instances of transgressions away from the BRE Guidance whereby the BRE targets are not met. With respect to the first the retained APSH is 24% which is only 1% below the recommended BRE targets and with respects to the second the APSH are 4% below the target. The reason why these two rooms do not meet the targets has been assessed as that the building has a projecting return adjacent to these windows, owing to the fact that this projection is to the south of the subject window then the availability of sunlight is reduced. The reductions are considered acceptable with the building design is reducing the amount of available sunlight.

### Summary

- 3.167 Where minor transgressions do occur, they are either to rooms served by more than one window and therefore losses of daylight would not be considered noticeable as the reductions to daylight and sunlight values are so close to the targets as set out within the BRE Guidance, to rooms where the configuration of the building envelope to the adjoining property partially obscures access to daylight and sunlight, or where rooms are not habitable.

3.168 Therefore officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing within the assessment carried out under BRE guidelines and with reference to the context of the location.

### **Noise**

3.169 **London Plan Policy 7.15** 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes';

3.170 **DMLP Policy DM H9** advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity.

3.171 No objection is raised by the Council's Noise and Nuisance officers to the proposed development or land uses. The acoustic report by ARUP demonstrates that the internal noise criteria of BS8233:2014 can be met by means of suitable glazing and mechanical ventilation. Due to the plant proposed at the development and we would require a detailed assessment of the noise levels of any plant in accordance with BS4142:2014. Conditions are recommended for control of lighting, machine operation noise, suitable sound insulation and maximum noise levels.

3.172 The proposal is therefore considered to accord with Policy 7.15 of the London Plan and Policy DM H9 of the DMLP.

### **HIGHWAYS AND PARKING**

3.173 **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.

3.174 **London Plan Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.12 and 6.13** 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.

3.175 **Core Strategy Policy T1** supports The London Plan, **Policy CC3** requires sustainable waste management. **DMLP Policy DM J1** states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. **DMLP Policies DM J2** set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. **DMLP Policy J4** requires at least one blue badge parking space for hotel, retail and leisure customers and one

employee or business visitor bay for employment uses. **DMLP Policy J5** seeks to increase opportunities for cycling and walking.

- 3.176 **Core Strategy Policy CC3** seeks to ensure that the Council ‘pursue waste management’ facilities within new development, notably through means of ‘ensuring that all developments proposed suitable waste and recycling storage facilities’. **SPD Transport Policy 34** seeks off-street servicing for all new developments.
- 3.177 **Emerging Draft Local Plan Policy T2** relates to transport assessments and travel plans and states “All development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network”
- 3.178 **Emerging Draft Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics.
- 3.179 A part of the wider Clem Attlee Estate, the site is bound by residential properties to the west and north, an unnamed estate access road to the east and St. Thomas’s Way to the south.
- 3.180 The nearest section of the Transport for London Road Network (TLRN) is the A4 West Cromwell Road, which is 1.3km north of the site. The nearest section of the Strategic Road Network (SRN) is A304 Fulham Road, 600m south west.
- 3.181 There are 3 bus stops within a 300m walk of the site. These are located on Dawes Road, North End Road and Lillie Road. These three stops offer 48.5 services per hour combined, and this increases to 63.5 services per hour for all of the bus stops within acceptable walking distance (640m). Fulham Broadway Underground Station is located approximately 850m south east of the site, serving the District Line. Consequently, the site has a Public Transport Accessibility Level (PTAL) of 4, representing a good level of access.
- 3.182 Pedestrian and cycle access to the building will remain unchanged, with residents accessing the building from the entrance on the unnamed estate access road.

#### Car Parking

- 3.183 No car parking is proposed for the development, however two blue badge parking spaces have been secured under planning permission ref 2017/02100.
- 3.184 The s106 legal agreement will restrict future residents from obtaining a parking permit except for blue-badge permits in the wider area. However, the site is within a council controlled estate and the parking spaces are not for wider public use, with the estate management having control over permit allocation within the Clem Attlee estate.

## Cycle Parking

3.185 Cycle parking will be provided within the scheme, proposed to be located within the public realm and basement. A total of 256 Long Stay and 59 Short Stay cycle parking spaces are proposed, broken down as follows:

- 235 Long Stay and 14 Short Stay spaces associated with the proposed Class B1 (Office) use;
- 14 Long Stay and 6 Short Stay spaces associated with the proposed Class C1 (Hotel) use; and
- 9 Long Stay and 39 Short Stay spaces associated with the proposed Retail and Cultural uses.

3.186 The overall quantum of cycle parking is welcomed where it meets London Plan standards. The majority of the cycle parking will be located on the mezzanine level.

## Pedestrians

3.187 The submission of a PERS audit is welcomed. This audit did not identify any elements of the pedestrian environment which were in need of improvement – the lowest score was slightly above average.

## Trip Generation

3.188 The proposed development will see the majority – 51% - of trips occur via Underground or Rail. 17% will be made by bus, 16% will walk, 9% will cycle and the remaining 7% are split between motorcycle and car use. Combined, 93% of trips made to and from the development will be by sustainable modes of transport. The TA also estimates 1 car trip in each peak which is reasonable considering that the only parking provision will be for the 2 blue badge spaces.

3.189 The applicant has undertaken a trip generation exercise using 2011 Census data and interrogating the TRICS database; this has culminated in trip generation data which is considered to be robust. The proposed development will generate 38 Underground/Rail trips in the AM peak and 34 in the PM peak, along with 13 and 12 bus trips in each respective peak. This quantum of trips will not have a significant impact on the local public transport network, which has enough spare capacity to accommodate these trips.

## Delivery and Servicing

3.190 The submission of a Servicing and Delivery Plan is welcomed. The 6 proposed servicing and delivery vehicles expected daily will make sure of the existing on-street loading restrictions. This is acceptable, along with the refuse collection arrangements, this document is secured by condition.

## Construction

3.191 The Construction Management Plan includes detail on the routes which construction vehicles will take, minimising where possible the impact of

construction vehicles on the road network. Given the changing circumstances over time a Construction Management Plan is secured by condition together with a Construction Logistics Plan.

#### Travel Plan

- 3.192 The submitted Travel Plan requires further information regarding the baseline modal split, have targets linking directly to each objective and to make clear how the Plan would be secured. A revised Travel Plan should be submitted for approval and secured by s106 agreement.

#### Summary

- 3.193 Officers consider that the proposal would result in a reduction in car use in the area in relation to the application site with and would see a significant improvement in cycle provision. The proposal is therefore considered to accord with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1 and CC3 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM J1, DM J2, DM J4 and DM J5 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

### CRIME PREVENTION

- 3.194 **Policy 7.3 of the London Plan** advises that new development should seek to create safe, secure and appropriately accessible environments.
- 3.195 **Core Strategy Policy BE1** advises that developments throughout the borough should be designed to enhance community safety and minimise the opportunities for crime. **DMLP Policy DM A9** refers to a safe and secure environment whilst **Policy DM G1** requires new development to respect the principles of Secure by Design.
- 3.196 The ground level layout would provide clear sightlines with lighting and open circulation activated by the retail, office and hotel uses as well as Angel Walk and Blacks Road which would be opened up to the newly permeable space. Such passive surveillance would be complemented by CCTV. Again, the hard and soft landscaping will be subsequently approved by way of condition and additional security matters will be consulted on at that stage. The development will also be required to achieve Secure by Design accreditation by condition.

### MICROCLIMATE

- 3.197 **London Plan Policy 5.3** Sustainable Design and Construction states that development should meet sustainable design principles including ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions.
- 3.198 **London Plan Policy 7.6** requires that new development does not cause unacceptable harm to the amenity of surrounding land and buildings, including through microclimate impacts and **Policy 7.7** requires that the area surrounding tall buildings is not detrimentally affected in terms of microclimate and wind turbulence.

- 3.199 **DMLP Policy DM G2** states that any proposal involving tall buildings will need to demonstrate that it does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage, and vehicle movements.
- 3.200 The applicant has submitted a Pedestrian Level Wind Microclimate Assessment. Existing conditions are quite windy, all of the areas in and around the Site have acceptable wind conditions for their intended uses. The proposed development would result in these conditions becoming windier, however are assessed as being suitable for sitting to business walking use during the windiest season. Some mitigation is required and this is delivered principally in the form of landscaping and minor design measures. Both of these measures would be subject to landscaping and materials conditions.
- 3.201 As such officers consider that the proposed development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings. The proposal is therefore considered to comply with Policies 5.3, 7.6 and 7.7 of the London Plan and Policy DM G2 of the DMLP.

## **ECONOMIC CONSIDERATIONS**

- 3.202 A key consideration within **the NPPF** is the desire to secure economic growth in order to create jobs and prosperity along with securing the wellbeing of communities.
- 3.203 **London Plan Policy 4.1** relates to London's economy and states "The Mayor will work with partners to: promote and enable the continued development of a strong, sustainable, and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size, and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors."
- 3.204 **Policy 4.12 of the London Plan** and **Core Strategy Policy LE1** both require strategic development proposals to support local employment, skills development and training initiatives.
- 3.205 **Strategic Policy B of the Core Strategy** stipulates Hammersmith Town Centre as the preferred office location within the borough and the Council will encourage major office based development. New visitor accommodation should be directed to the three town centres and employment uses that recognise the existing strengths of the borough, including creative industries are encouraged.
- 3.206 **DMLP Policy DM B3** states the council will seek appropriate employment and training initiatives for local people of all abilities in the construction of major developments and in larger employment generating developments, including visitor accommodation and facilities when these are completed.
- 3.207 **Emerging Draft Local Plan Policies E1 and E2** relate to the provision of a range of employment uses and the retention of land and premises capable of providing accommodation for employment or local services. **Emerging Draft Local Plan Policy E4** relates to Local Employment, Training and Skills

Development Initiatives and requires the provision of appropriate employment and training initiatives.

- 3.208 To ensure that local people can access employment during construction, the Council is keen to set in place mechanisms that produce tangible benefits to local residents which will be secured in the s106 agreement. It is therefore considered that arising from employment and training initiatives the proposal has the potential to bring significant benefits to the local area. In this regard officers consider that the proposal is not contrary to the development plan as a whole and that there are no material considerations which indicate why planning permission should be withheld.
- 3.209 The proposal is therefore considered to accord with aspirations of the NPPF, Policies 4.1 and 4.12 of the London Plan, Core Strategy Policy LE1 and Strategic Policy B, Policy DM B3 of the DMLP and Draft Local Plan Policies E1, E2 and E4.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Sustainability and Energy**

- 3.210 **As required by the NPPF**, the application proposes to incorporate design features in order to reduce on-site carbon emissions through the implementation of energy efficiency and low carbon energy generation technologies. Wider sustainability measures are also planned to help reduce resource use, minimise waste generation and mitigate pollution impacts.
- 3.211 The proposal has been considered against **Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan and Policies CC1 and CC2 of the Core Strategy** which promote sustainable design, adaption to climate change and carbon emissions reductions, together with **DMLP Policies DM H1 and DM H2**.
- 3.212 **SPD Sustainability Policy 25** requires major planning applications to provide details of how use of resources will be minimised during construction and **Policy 29** requires submission of a detailed energy assessment.

### Sustainability

- 3.213 As required, a Sustainability Statement has been provided with the application. In terms of sustainable design and construction, the new development has been designed with reference to the Mayor's Sustainable Design and Construction SPG. This contains a number of priority and best practice measures on issues such as land use, site layout, building design, use of resources such as energy, water and building materials, promoting nature and biodiversity, managing flood risk and pollution impacts and inclusion of climate change adaptation measures. Officers consider that the development meets the requirements of the London Plan Policy 5.2 and DMLP Policy DM H2 and follows the Mayor's SPG closely, implementing measures wherever possible to provide a high level of sustainability.

3.214 The measures proposed include the following: re-using previously developed land, car free development, encourages cycle use by providing cycle parking, provides recycling facilities, including water efficiency measures and sustainable energy measures to reduce CO<sub>2</sub> emissions, use of sustainable building materials including timber, tree planting that increases biodiversity, flood risk minimisation measures and noise and air quality mitigation measures. It is considered reasonable to require the implementation of the submitted Sustainability Statement by condition to ensure the delivery the measures set out.

## Energy

- 3.215 As required, an Energy Assessment has been provided with the application. The development is a mix of residential and non-residential aspects and there are different CO<sub>2</sub> reduction target requirements for each component. The residential units are required to comply with the London Plan's zero carbon requirement for major residential developments whereas the non-residential element is required to reduce CO<sub>2</sub> emissions by 35% beyond the minimum requirements of the 2013 Building Regulations.
- 3.216 The Energy Assessment calculates that annual CO<sub>2</sub> emissions for the residential units would be 146 tonnes if they were designed and built to meet the Building Regulation requirements, with an additional 18 tonnes of CO<sub>2</sub> associated with the small ground floor community use. The building has been designed in the first instance to reduce energy demand by using passive measures such as natural daylight and solar gain. Well insulated building components are proposed which will be designed and built to a higher airtightness standard than the minimum required by the Building Regulations. High efficiency LED lighting is to be used throughout. Areas such as corridors, storage and others with low occupancy will be fitted with sensors to keep lighting use to a minimum.
- 3.217 Energy demand reduction measures reduce CO<sub>2</sub> emissions by 6.2% (9 tonnes) in the residential units and 7.8% (2 tonnes) in the non-residential unit, compared to the baseline. In terms of the main heating and energy system that will be used, the site is not in a location where a connection to an existing heat network can be made at the moment, although in the future a network may be developed in the borough. Should a district heating system be installed near to the site in the future, plant space can be made available to link the development to the network. Provisions will be made to enable the future connection.
- 3.218 Communal heating is proposed for the development in a combined system instantaneously supplying heating and hot water from low NO<sub>x</sub>, efficient condensing communal boilers on the roof. This system reduces CO<sub>2</sub> emissions by a further 3.4% (5 tonnes) for the residential units. The feasibility of including renewable energy generation on-site has also been assessed. However, no technologies have been found to be suitable given the lack of space, particularly on the roof. Solar PVs have been considered, but the report states that there is very limited free area available on the roof which would only allow for a very small output. Given the limited space, they would not be able to provide a significant CO<sub>2</sub> reduction.
- 3.219 In total, the energy efficiency measures and the communal heating system are calculated to reduce CO<sub>2</sub> emissions by 14 tonnes (9.6%) for the residential



component and 2 tonnes (7.8%) for the community use space. Therefore the London Plan targets have not been met through the integration of on-site measures and it is necessary for the shortfall to be made up via a payment in lieu to the value of £246,900 which would need to be included in the s106 Agreement. Overall, the CO2 reduction proposals meet the requirements of London Plan Policy 5.2 and Local Plan requirements which are in line with the London Plan, although the targets can only be met with the use of a carbon offset payment to supplement the on-site measures. However, this approach is acceptable. A condition securing the implementation of the submitted Energy Assessment is considered reasonable to ensure the inclusion and delivery of the measures set out, as well as the obligation within the s106 legal agreement to secure the payment of the identified carbon offset payment.

3.220 Subject to the inclusion of a condition requiring the implementation of the submitted documents as set out above and the inclusion of the carbon payment in the s106 agreement, officers therefore consider that the proposed development accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan, Policies CC1 and CC2 of the Core Strategy, Policies DM H1 and H2 of the DMLP and Sustainability Policy 25 and Policy 29.

### **Flood Risk and Drainage**

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

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

3.223 **Core Strategy Policy CC1** requires that new development is designed to take account of increasing risks of flooding. **Core Strategy Policy CC2** states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water.

3.224 **DMLP 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) where feasible and also the use of water efficient fittings and appliances. **SPD Sustainability Policies 1 and 2.**

### **Flood Risk**

3.225 The site is in the Environment Agency's Flood Zone 2. As required, a Flood Risk Assessment (FRA) has been provided with the application. The site is well protected from flood risk from the River Thames by the existing defences such as the Thames Barrier and local river walls. In the event of these failing or being breached, the site is not in danger of being impacted by flood water. Flood risk

from the Thames is therefore considered to be low. Surface water flood risk is also low as the site is not in a surface water flooding hotspot.

- 3.226 Sewer flood risk could be an issue for the development as there is a basement level planned, and depending on its design, there could be potential routes for backflow of sewer water into the site. However, the FRA confirms that non-return valves (in the absence of pumped discharge) should be installed on the final connections from the proposed development to public sewers, to prevent backflow from sewers entering the basement or building.
- 3.227 In terms of water-proofing of the basement, the FRA notes that the basement design will include appropriate waterproofing measures. Some further details are provided in the Basement Construction Method Statement which notes that the currently preferred option is a contiguous bored pile wall installed into the underlying London Clay. If groundwater is higher than the underside of the basement then an interlocking secant pile wall, or grouting up of the gaps in the contiguous piles is likely to be required in order to cut-off groundwater and permit site dewatering.
- 3.228 Waterproofing protection to the retaining wall will also be required over the height of the basement so a bonded waterproof barrier is proposed to be applied to the internal face of the contiguous pile wall with a reinforced concrete lining wall constructed in front. Alternatively, a drained cavity may be used in conjunction with a secant pile wall. As this aspect of the proposal is still to be finalised, including water-proofing measures, this is an issue we should require further information to be submitted on to confirm the proposed measures. The FRA notes that the finished floor level of the proposed building is set approximately 400 mm above the adjacent public highway, at 4.68m AOD. This is adequate to help protect the ground floor uses against potential flood risks.
- 3.229 The FRA is acceptable, subject to further details being provided on the basement waterproofing measures and the flood proofing measures can be conditioned.

#### Drainage

- 3.230 The Surface Water Drainage Strategy is included in the Flood Risk Assessment.
- 3.231 Estimated greenfield run-off rates for the site have been calculated as being less than 1l/s for a range of storm scenarios. The existing run-off rate at the site is estimated as being 20.3l/s for a 1 in 30 year storm event. Reference is made to the 1 in 100 year storm, but no calculations or information are provided for this scenario, seemingly on the basis that such a storm is a low probability. Nevertheless, it is also stated that during such a storm there would be no on-site flooding. This is not demonstrated in the Strategy though.
- 3.232 The main SuDS measure put forward to manage surface water run-off is an attenuation tank with flow control device (where possible) to restrict the final discharge of surface water into the sewer network. A tank of approx. 70m<sup>3</sup> volume is suggested following preliminary assessment with final discharges set at c.8l/s (unclear if this is for all storm scenarios) providing around a 60% improvement on the current discharge rate (however, that is only for the 1 in 30

year storm and we do not have information on the 1 in 100 year plus climate change storm event).

- 3.233 The Strategy states that further development of the landscaping design is required to confirm space available for a larger or additional buried tank, the possibility of including some attenuation in the tree pits, and the permeability ratio of proposed surfaces and how this would influence the attenuation requirements and resulting discharge rate.
- 3.234 Further attenuation solutions will be investigated at the next stage when more clarity on proposed utilities and landscaping is available. Potential solutions include a blue roof on the building; allowing attenuated water in the buried tanks to infiltrate into the ground; and potentially permeable paving where feasible. Addition of any of these solutions would further reduce the final discharge rate into public sewers.
- 3.235 In addition, consideration would need to be given to collecting rainwater for re-use, as this has not been assessed for inclusion at this stage. Also, in line with the guidance provided by both the council and Thames Water greater effort needs to be placed on aiming to maximise the amount of attenuation to be achieved through the implementation of a range of SuDS measures where possible, achieving greenfield run-off rates for the final discharge of surface water where possible. Starting with a tank solution and then working backwards to see what else might fit in is not the way a SuDS Strategy should be developed. The London Plan Drainage Hierarchy needs to be followed so that prioritised SuDS measures are integrated into the design at an early stage.
- 3.236 Subject to the submission of details by way of condition of the drainage and attenuation measures to be implemented officer's consider that the proposed development would therefore be acceptable in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of the London Plan, policy requiring flood risk assessment and development to mitigate flood risk, Policies CC1 and CC2 of the LBHF Core Strategy which requires development to minimise future flood risk and Policy DM H3 of the LBHF DMLP together with SPS Sustainability Policies 1 and 2.

### **Ecology and Trees**

- 3.237 **The NPPF, at section 11**, states that when determining planning applications authorities should aim to conserve and enhance biodiversity.
- 3.238 **Policy 5.11 of the London Plan** supports the provision of green roofs within new development as a way of enhancing habitat diversity within London. **Policy 7.19** seeks the enhancement of London wide biodiversity and states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. **London Plan Policy 7.21** seeks the retention of existing trees of value with new development, and their replacement when lost.
- 3.239 **Core Strategy Policy OS1** states that the Council's objective to protect and enhance biodiversity in the Borough.

3.240 **DMLP Policy DM E1** sets out the objective to enhance existing open space and that development on open space not identified within the Core Strategy should be refused where that land either on its own or cumulatively contributes to local biodiversity unless:

“the proposed development would release a site for built development needed to realise a qualitative gain for the local community in pursuance of other physical, social and economic objectives of the Core Strategy and provision is made for replacement of open space of equal or greater value elsewhere”

3.241 **DMLP Policy DM E4** states that the Council will seek to enhance biodiversity and green infrastructure in the borough by maximising and protecting garden space, soft landscaping, green roofs, and other planting within new development together with seeking to prevent removal of or mutilation of protected trees and seeking retention of existing trees and provision of new trees on development sites.

3.242 The proposal in its present form leads to the removal of existing trees that are considered able to be retained and as such would be secured by way of the landscaping condition. The indicative proposal for these treatments do provide the planting of a number of trees to Angel Walk and the provision of green roofs to the buildings. The existing value of the habitat is extremely limited and can be appropriately enhanced by way of the landscaping details to be submitted. As such the proposal is considered to be in accordance with the NPPF, London Policies 5.11 and 7.19, Core Strategy Policy OS1, DMLP Policies DM E1, DM E3 and DM E4.

### **Land Contamination**

3.243 **National Planning Policy Framework paragraph 121** states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.

3.244 **Policy 5.21 of the London Plan** states the support for the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development.

3.245 **Core Strategy Policy CC4** 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.

3.246 **DMLP Policy DM H7** states When development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination. Development will not be permitted unless practicable and effective measures are to be taken to treat, contain or control any contamination so as not to:

- (i) expose the occupiers of the development and neighbouring land uses including, in the case of housing, the users of gardens to unacceptable risk;
- (ii) threaten the structural integrity of any building built, or to be built, on or adjoining the site;
- (iii) lead to the contamination of any watercourse, water body or aquifer; and
- (iv) cause the contamination of adjoining land or allow such contamination to continue.

- 3.247 Any application will be assessed in relation to the suitability of the proposed use for the conditions on that site. Any permission for development will require that the measures to assess and abate any risks to human health or the wider environment agreed with the authority must be completed as the first step in the carrying out of the development.
- 3.248 **SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14 and 15** deal with contamination. Policy 16 sets out the common submission requirements for planning conditions relating to contamination and **Policy 17** deals with sustainable remediation.
- 3.249 The applicant has submitted a Ground Contamination Desk Study with the application. The report contains a preliminary risk assessment and a scheme for intrusive investigation works. The report is broadly acceptable, however conditions are required to be attached.
- 3.250 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The conditions proposed are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.
- 3.251 The development is considered to be in accordance with relevant national, regional, and local contaminated land policies which seek to manage the development of land to minimise the potential harm of contaminated sites and where appropriate, ensuring that mitigation measures are put in place. The proposed development therefore accords with Policy 5.21 of the London Plan, Policy CC4 of the Core Strategy and DMLP Policy DM H7 and officers consider that there are no material considerations which indicate that planning permission should not be granted.

### **Air Quality**

- 3.252 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 3.253 **NPPF Paragraph 124** relates to air quality and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.

- 3.254 **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; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.
- 3.255 **Core Strategy Policy CC4** explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.
- 3.256 **DMLP Policy DM H8** states the Council will 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 also considers the potential for exposure to pollution levels above the Government's air quality objective concentration targets;
  - Requiring mitigation measures to be implemented to reduce emissions, particularly of nitrogen oxides and small particles, 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; and
  - Requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality.
- 3.257 The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality. The development site is within the borough wide Air Quality Management Area and the will introduce additional receptors into an area of poor air quality.
- 3.258 The on-road and off-road vehicle emissions from the demolition and construction phases of the development will have a significant impact on local air quality. It is proposed that an Air Quality Dust Management Plan is secured by condition in addition to the Construction Logistics Plan and Servicing and Deliveries Plan and that these must include how low emissions vehicles (non-diesel) will be used during the demolition and construction phases to minimise the impact of these vehicle emissions on local air quality. The details of the Ultra Low Nox Gas fired boilers are also required to be submitted for approval by condition.
- 3.259 Officers consider that subject to the conditions mentioned above the development meets with policy requirements. Officers therefore consider that the proposed development accords with London Plan Policy 7.14, LBHF Core Strategy Policy CC4 and LBHF DMLP Policy DM H8 and that there are no material considerations which indicate that planning permission should not be granted.

## SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY

- 3.260 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development would be subject to a London-wide community infrastructure levy. This would contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the Council, as the collecting authority, to secure the levy in accordance with Policy 8.3 of The London Plan.
- 3.261 LBHF CIL came into effect on 1 September 2015. This means that CIL liable development proposals approved on or after 1 September will need to pay the borough CIL as well as Mayoral CIL. The LBHF CIL Charging Schedule identifies the type of developments liable to pay Borough CIL.
- 3.262 The Community Infrastructure Levy Regulations state that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 3.263 **The National Planning Policy Framework** provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 3.264 **Policy 8.2 of the London Plan** states that: 'When considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. Development proposals should address strategic as well as local priorities in planning obligations. Affordable housing and other public transport improvements should be given the highest importance'. It goes on to state: 'Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.'
- 3.265 In the context of the above, **Chapter 9 of the Core Strategy** states that 'the council will implement the policies and proposals of the Core Strategy and seek to ensure that the necessary infrastructure is secured to support regeneration by, inter alia, negotiating Section 106 obligations'.
- 3.266 **Emerging Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) states: 'The Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms:

## Community Infrastructure Levy

The Council will charge CIL on developments in accordance with the CIL Regulations (as amended) and the LBHF CIL Charging Schedule. The Council will spend CIL on:

- infrastructure in accordance with the H&F Regulation 123 (R123) List;
- projects identified for 'Neighbourhood CIL'; and
- CIL administration expenses (no more than the statutory cap).

## Section 106 Agreements ('S106s')

The Council will seek to negotiate S106s, where the S106 'tests' are met, for:

- the provision of infrastructure projects or types not specified on the R123 List (through either financial contributions or 'in kind' delivery); and
- non-'infrastructure' provisions, such as for affordable housing (see policy H03) and S106 monitoring expenses.'

3.267 The LBHF CIL Charging Schedule identifies a number of exceptions to the R123 List where the Council intends to negotiate S106 obligations to secure the provision of infrastructure. Two of the identified exceptions are:

- Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site: and
- An item of infrastructure or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than 5 planning obligations (already entered into since April 10) for that item at the time).

3.268 The application involves the provision of 100% affordable housing and as such is exempt from the LBHF local CIL.

3.269 The application involves the redevelopment of a vacant and uninhabitable site to provide a high quality residential scheme within the Clem Attlee Estate. The planning obligations set out in the heads of terms are therefore considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the proposed development.

3.270 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Regeneration, Planning and Housing Services after consultation with the Director of Law and the Chair of the Planning and Development Control Committee, to authorise the



changes he/she considers necessary and appropriate, within the scope of such delegated authority

3.271 The Section 106 agreement will include triggers requiring the payment of contributions to coincide with development/occupation, in order for the impacts arising from the development to be appropriately mitigated. The Heads of Terms agreed with the applicant specific to the application are detailed and will form the basis of progressing with the preparation of the Section 106 Agreement.

### **Application Heads of Terms**

3.272 To mitigate the impact of the development the following heads of terms are secured:

- Tenure, number and location of affordable housing
- Provision of wheelchair units
- Public realm contribution
- Travel Plan within review periods at years 1, 3 and 5
- Carbon off-setting payment
- Local procurement for the construction phase
- Employment and training opportunities
- S278 agreement for highway works

## **4.0 CONCLUSION & RECOMMENDATION**

4.1 Officers consider that the proposed 100% affordable housing at Edith Summerskill House, including the proposed mechanism of delivering off-site affordable housing from the related development at Watermeadow Court, is acceptable and would deliver a far greater amount of affordable floorspace off site at Edith Summerskill House than will be achieved at Watermeadow Court. This is in addition to securing the delivery of the Edith Summerskill House scheme in its entirety. The approach to tenure is not considered to undermine the mix of housing type in the area and would deliver a significant contribution of much needed housing by maximising the development potential of the site with resulting in unacceptable impacts to neighbouring residents.

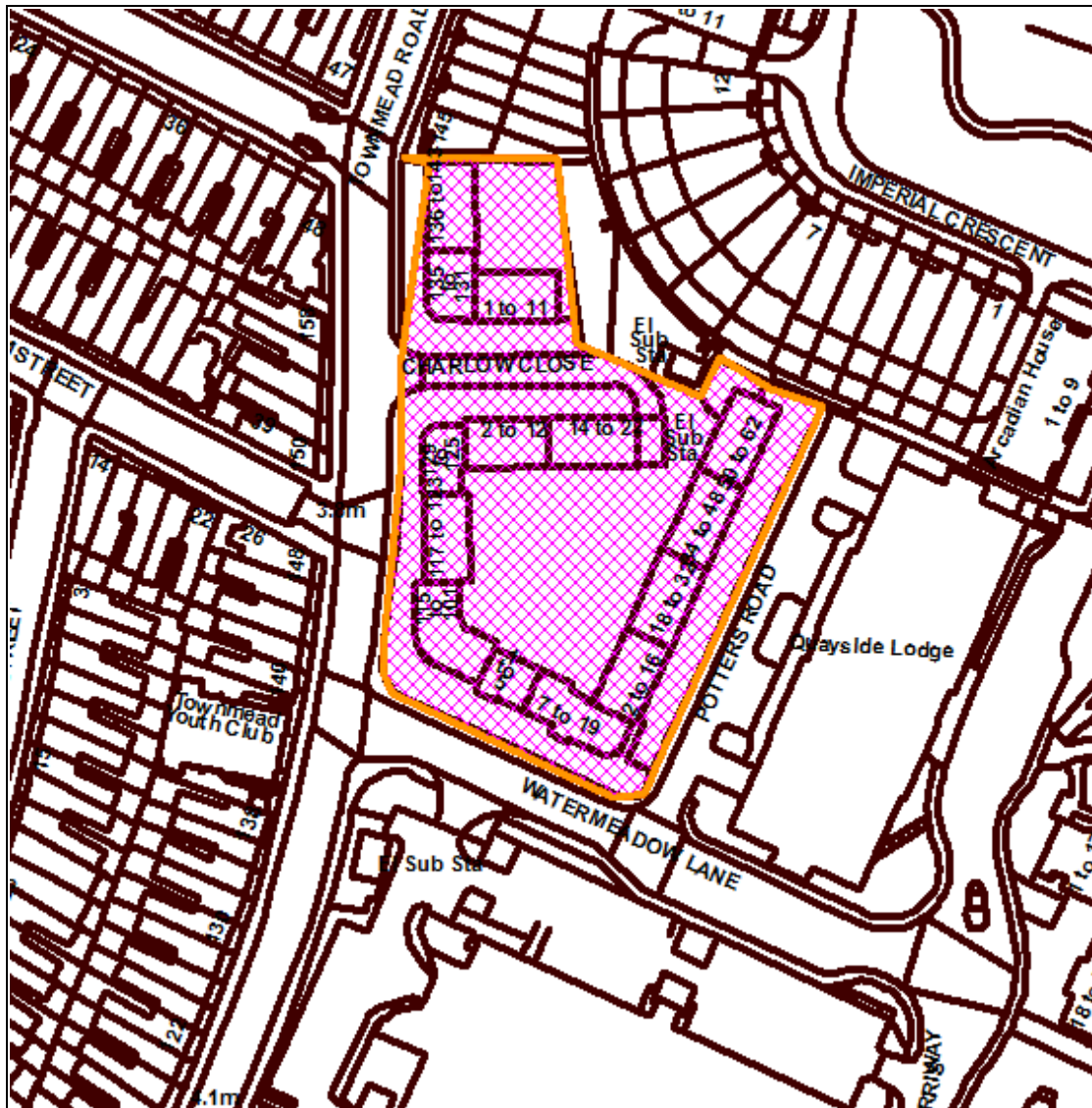
4.2 The design is considered by officers to be of a very high standard that would enhance and preserve the area and provide residential units in excess of policy requirements with a large communal amenity facility in addition to renewal of existing public realm for the wider public benefit. The proposal brings a vacant site back into residential use and realises the aims and objectives of national, regional and local policy.

4.3 Accordingly it is recommended that the proposed development be granted planning permission subject to the conditions listed and the completion of a s106 agreement securing the heads of terms contained within this report.

**Ward:** Sands End

**Site Address:**

Watermeadow Court Watermeadow Lane London



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For identification purposes only - do not scale.

**Reg. No:**  
2017/01841/FUL

**Case Officer:**  
Peter Wilson

**Date Valid:**  
01.05.2017

**Conservation Area:**  
Constraint Name: Sands End Conservation Area -  
Number 41

**Committee Date:**  
10.10.2017

**Applicant:**

HFS Developments 2 Limited  
C/o Agent

**Description:**

Erection of 219 (Class C3) residential units across three building up to a maximum of approximately 22,661 sqm (GEA). Block A to comprise five stories (plus plant) rising to a height of approximately 22.82 AOD; Block B to comprise seven stories (plus plant) rising to a height of approximately 29.42 AOD; Block C to comprise nine stories (plus plant) rising to a height of approximately 36.90 AOD; share single storey basement with car parking; private open space; hard and soft landscaping; preparatory and associated works. (EIA development)

Drg Nos: as Condition 2

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

1) Subject to there being no contrary direction from the Mayor for London that the Committee resolve that the Director for Regeneration, Planning and Housing Services be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

2) To authorise the Director for Regeneration, Planning and Housing Services after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

**Conditions**

- Time Limit
- 1) The development hereby permitted shall not commence later than 3 years from the date of this decision

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).

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

(01)-P-S0000\_PL; (03)-P-0B0 Basement-PL; (03)-P-0G0 Ground Floor-PL;  
(03)-P-001 First Floor-PL; (03)-P-002 Second Floor-PL;  
(03)-P-003 Third Floor-PL; (03)-P-004 Fourth Floor-PL; (03)-P-005 Fifth Floor-PL;  
(03)-P-006 Sixth Floor-PL; (03)-P-007 Seventh Floor-PL;  
(03)-P-008 Eight Floor-PL; (03)-P-009 Roof Plan-PL; (03)-X-100 Section AA-PL;  
(03)-X-101 Section BB-PL; (03)-X-102 Section CC-PL;  
(03)-X-103 Section DD-PL; (03)-X-104 Section EE-PL;  
(03)-X-105 Section FF-PL; (03)-X-106 Section GG-PL;

(03)-E-001 Elevation AB West-PL; (03)-E-002 Elevation BC South-PL;  
(03)-E-003 Elevation C East-PL East; (03)-E-004 Elevation AC North-PL;  
(03)-E-005 Elevation C West-PL; (03)-E-006 Elevation AB East-PL.

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 Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### Materials

- 3) The development shall not commence (save for below ground works) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of the colour, composition and texture of the metal and stone work; details of all surface windows; balustrades to roof terraces; roof top plant and general plant screening; shop front treatments, including window opening and glazing styles and all external hard surfaces including paving, have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Design Policy 44 of the Planning Guidance Supplementary Planning Document (July 2013).

#### 1:20 Details

- 4) The development shall not commence (save for below ground works) until detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of each of the approved buildings have been submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed cladding, fenestration (including framing and glazing details), balustrades (including roof terraces), shop front and entrances and roof top plant and plant screening. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### 1:20 Roof Top Plant Details

- 5) The development shall not commence (save for below ground works) detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

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

Construction Management Plan and a Construction Logistics Plan

- 6) The development hereby permitted shall not commence until a Construction Management Plan and a Construction Logistics Plan have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, details of a Low Emission Vehicle Strategy, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The Construction Management Plan and Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with policies 5.18, 5.19 and 7.14 of the London Plan, policies CC1, CC4 and T1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1, DM H2, DM H5, DM H8, DM H9, DM H11, DM J1 and DM J6 of the Development Management Local Plan (July 2013) and SPD Amenity Policy 26 of the Planning Guidance Supplementary Planning Document (July 2013).

Blue Badge Parking

- 7) No part of the development hereby approved shall be used or occupied until a revised basement layout plan showing the provision of 10% of car parking spaces designated as blue badge parking spaces have been submitted to and approved in writing by the Local Planning Authority. These accessible parking spaces shall be permanently retained for the life of the development for use by disabled residents and visitors.

To ensure the satisfactory provision and retention of disabled car parking facilities, in accordance with policy 6.13 and 7.2 of the London Plan and policies DM J2 and DM J4 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Transport Policy 10 of the Planning Guidance Supplementary Planning Document (July 2013).

Electric vehicle charging point

- 8) The development shall not commence (save for below ground works) until details of the installation of electric vehicle charging points within the car parking area, including location and type, have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points should

comprise at least 1 in 5 of the total number of car parking spaces provided on site and shall be active electric vehicle charging points; the remaining number of the total number of car parking spaces provided on site shall be passive. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development. The use of the electric vehicle charging points will be regularly monitored via the Travel Plan and if required the further 20% passive provision will be made available.

To encourage sustainable travel in accordance with policies 5.8, 6.13 and 7.2 of the London Plan, policies CC1 and T1 of the Hammersmith and Fulham Core Strategy (2011), policy DM J2 of the Development Management Local Plan (July 2013) and SPD Transport Policies 3 and 5 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Cycle Parking

- 9) No part of the development hereby approved shall be occupied or used prior to the provision of the cycle storage arrangements, as indicated on the approved drawings and set out within the submitted Transport Assessment, to serve the development have been fully provided and made available to visitors and staff 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, 6.13 and Table 6.3 of the London Plan, policy T1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM J5 of the Development Management Local Plan (July 2013).

#### Car and Cycle Parking Management Plan

- 10) No part of the development hereby approved shall be occupied or used until a Car and Cycle Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Car & Cycle Parking Management Plan as approved and shall thereafter be permanently retained in this form.

To ensure an appropriate level, mix and location of car and cycle parking is achieved for the development and that management arrangements are in place to control its allocation and use in accordance with Policies 5.2, 5.18, 5.19, 5.21, 6.3, 7.14 and 7.15 of the London Plan, policies CC1, CC4 and T1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1, DM H2, DM H5, DM H7, DM H8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the Development Management Local Plan (July 2013) and SPD Transport Policies of the Planning Guidance Supplementary Planning Document (July 2013).

#### Refuse

- 11) No part of the development shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings and shall include provision for the storage of recyclable materials. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

To ensure the satisfactory provision of refuse storage and recycling and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with policy 5.17 and 6.11 of the London Plan, Policy CC3 of the Core Strategy (2011), policy DM H5 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Sustainability Policy 3 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Waste Management Strategy

- 12) No part of the development hereby approved shall be used or occupied until a Waste Management Strategy has been submitted and approved in writing by the Local Planning Authority. Details shall include how recycling will be maximised and be incorporated into the facilities of the development. All approved storage arrangements shall be provided in accordance with the approved details and shall be permanently retained thereafter in accordance with the approved details and shall thereafter be permanently retained in this form.

In order to protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.3 of the London Plan and policy DM H5 of Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Sustainability Policy 3 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Delivery and Servicing Management Plan

- 13) No part of the development hereby approved shall be occupied until a Delivery and Servicing Management Plan is submitted to and approved in writing by the Local Planning Authority. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, operations of the loading bay as identified on the approved drawings, 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 be permanently retained in this form.

To ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise and disturbance, in accordance with policy 6.11 of the London Plan and policies DM J1, DM H9 and DM H11 of the Hammersmith and Fulham Development Management Local Plan (July 2013), and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Hoardings

- 14) No development shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and

Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

Contamination (1)

- 15) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (2)

- 16) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

Contamination (3)

- 17) Unless the Local Planning Authority 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 Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination (4)

- 18) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until a remediation method statement, if required, is submitted to and approved in writing by the Local Planning Authority. 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination (5)

- 19) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required, and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all appropriate waste Duty of Care documentation and the

validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) 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 Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation method statement and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination (6)

- 20) Unless the Local Planning Authority 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 Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with Policy 5.21 of the London Plan, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Secure by Design

- 21) The development hereby permitted shall not commence (save for below ground works) until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security

measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy 7.3 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 of the Development Management Local Plan (July 2013).

#### Landscaping

- 22) The development hereby permitted shall not commence (save for below ground works) until details of the proposed soft and hard landscaping of all areas external to the building(s) have been submitted to and approved in writing by the Local Planning Authority. The details shall include: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, including pedestrian surfaces, materials, kerb details, external steps and seating that ensure a safe and convenient environment for blind and partially sighted people. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) Policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Landscape Management Plan

- 23) The development hereby permitted shall not commence (save for below ground works) until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority for all of the landscaped areas. This shall include details of management responsibilities and maintenance schedules for all landscape areas the landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development provides an attractive natural and visual environment in accordance with Policies 7.1 and 7.6 of the London Plan, Policies BE1 and OS1 of the Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Protection of Existing Trees

- 24) The development hereby permitted shall not commence until all the trees in the proximity of the development that are to be retained, have been protected from

damage in accordance with BS5837:2012 during both the demolition and construction works.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (July 2013).

#### Lighting

- 25) The development shall not commence (save for below ground works) until details of any proposed external artificial lighting, including security lights have been submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the `Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan, policies BE1 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM E1, DM E4, DM G1, DM H10 and DM H11 of the Development Management Local Plan (July 2013) and the Council's Supplementary Planning Document (July 2013).

- 26) Background Noise Levels

The development hereby permitted shall not commence (save for below ground works) until details of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate have been submitted to and approved in writing by the Local Planning Authority. 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 in this form.

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 Hammersmith and Fulham Development Management Local Plan (July 2013).

### Anti-vibration Measures

- 27) No part of the development hereby approved shall be used or occupied until details of anti-vibration measures has been submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained in this form.

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 Hammersmith and Fulham Development Management Local Plan (July 2013).

### Internal Room Noise

- 28) The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

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

### Residential Sound Insulation

- 29) The development hereby permitted shall not commence (save for below ground works) until 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 between the differing layouts of the flats on the 5th, 6th and 7th 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.

### Basement Floor/Ceiling/Wall Insulation

- 30) The development hereby permitted shall not commence (save for below ground works) until details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the basement plant room 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 implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in

accordance with Policies DM H9 and H11 of the Development Management Local Plan.

Air Quality Dust Management Plan

- 31) The development hereby permitted shall not commence (save for below ground works) until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and 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 the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road and off-road construction traffic, Ultra Low Emission Vehicle Strategy (ULEVS) e.g. use of Ultra Low Emission Vehicles e.g. Electric, Hybrid (Electric-Petrol); Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM<sub>10</sub> 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), Policy 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

CHP & Gas Boiler Compliance with Emission Standards

- 32) The development hereby permitted shall not commence (save for below ground works) until details have been submitted to and agreed in writing by the council of the Ultra Low NO<sub>x</sub> Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NO<sub>x</sub> emissions not exceeding 30 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

### Low Emissions Strategy

- 33) The development hereby permitted shall not commence (save for below ground works) until a Low Emission Strategy has been 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 residential parking provision during operational phases by means of a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol). The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2012), Policies 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

### Mechanical Ventilation

- 34) The development hereby permitted shall not commence (save for below ground works) until a report including detailed information on the proposed mechanical ventilation system with NOx filtration for Blocks A and B has been submitted to and approved in writing by the Council. This report shall specify air intake and air extract locations at roof level and the design details and locations of windows of the habitable rooms on all residential floors to demonstrate that they avoid areas of NO2 or PM exceedance e.g. Townmead Road. 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. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan and Policy DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

### Roof Equipment

- 35) The development hereby permitted shall not commence (save for below ground works) until details of any enclosure(s) to be fitted to roof mounted equipment have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until any enclosure(s) have been constructed in accordance with the approved details, and the enclosure(s) shall thereafter be permanently retained in this form.

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

#### Access Management Plan

- 36) No part of the development hereby approved shall be occupied or used until an Inclusive Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy 7.2 of the London Plan and policy DM B2 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and the Planning Guidance Supplementary Planning Document (July 2013).

#### Lifts

- 37) No part of the development hereby approved shall be used or occupied until details of fire rated lifts in each of the buildings, including details of the loading lifts to the basement levels is submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover, to ensure no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies 3.8 and 7.2 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM A4, DM A9, DM G1, DM J2 and DM J4 of Development Management Local Plan (July 2013) and SPD Design Policies 1, 2, 3, 4, 6, 7, 8, 9 and 10, SPD Transport Policies 9, 10, 22, 23 and 31 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Flood Risk Assessment

- 38) The development hereby permitted shall not commence until a revised Flood Risk Assessment (FRA) demonstrating suitable basement waterproofing and flood proofing measures has been submitted to and approved in writing by the Local Planning Authority. The FRA shall be implemented in accordance with the approved details, and thereafter all approved measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

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

#### Drainage

- 39) The development hereby permitted shall not commence (save for below ground works) until a Sustainable Drainage Strategy (SuDS) has been submitted to and approved in writing by the Local Planning Authority. 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 implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

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 and Policy CC2 of the Hammersmith and Fulham Core Strategy (2011).

#### Window Cleaning Equipment

- 40) The development hereby permitted shall not commence (save for below ground works) until details of the proposed window cleaning equipment have been submitted and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. No part of the development shall be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1 and 7.6 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### Archaeology

- 41) The development hereby permitted shall not commence until a Written Scheme of Historic Building Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out only in accordance with the agreed WSI which shall include the statement of significance and research objectives, and include:

(i) A programme and methodology of site investigation and recording to be carried out and the nomination of a competent person(s) or organisation to undertake the agreed works; and

(ii) If heritage assets of archaeological interest are identified by the evaluation under Part (i), then before starting Advanced Works the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

(iii) No works shall take place other than in accordance with the Written Scheme of Investigation approved under Part (ii).

(iv) Occupation shall not occur until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (ii), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured. A programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Heritage assets of archaeological interest may survive on the site. The local planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF, Policy 7.8 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policy DM G7 of the Development Management Local Plan (2013) and SPD Design policies 60, 61 and 62 of the Planning Guidance Supplementary Planning Document (2013).

#### TV Interference

- 42) The development hereby permitted shall not commence until details of the methods proposed to identify any television interference caused by the proposed works on each stage, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures proposed to ensure that television interference which might be identified, is remediated in a satisfactory manner. The approved remediation measures shall be implemented for each Stage immediately that any television interference is identified.

To ensure that the existing TV reception is not adversely affected by the proposed development, in accordance with Policies 7.7 and 7.13 of the London Plan (2016), Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G2 of the Development Management Local Plan (2013).

#### Airwaves Interference Study

- 43) The development shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and
- (ii) The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the Construction Works identified by the Base-Line Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policy 7.13 of the London Plan (2016), Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G2 of the Development Management Local Plan (2013).

#### Addresses

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

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

#### Obscured Glass

- 45) The window glass at ground level in the development shall not be mirrored, painted or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy 7.6 of The London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### No roller shutters

- 46) No roller shutters shall be installed on any entrance or display facade hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policy DM G4 and DM C1 of the Development Management Local Plan (2013) and Planning Guidance Supplementary Planning Document (July 2013)

#### No advertisements

- 47) No advertisements shall be displayed on or within any elevation of the building(s), forecourt or public spaces of the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Local Planning Authority.

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 Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G8 of the Development Management Local Plan (July 2013).

#### Replacement Trees, shrubs etc

- 48) All planting, seeding and turfing approved as part of the agreed soft landscaping scheme shall be carried out in the first planting or seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously

damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with other similar size and species.

To ensure a satisfactory external appearance in terms of the provision of tree and shrub planting, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM E4, DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 14-24 of the Planning Guidance Supplementary Planning Document (July 2013).

No plant, water tanks

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

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

Changes to the external appearance of the new buildings

- 50) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings.

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 Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and G7 of the Development Management Local Plan (July 2013).

External entrance doors

- 51) All external entrance doors facing the public highway in the building(s) hereby approved shall be designed and installed so that they only open inwards, and shall thereafter be permanently 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 (July 2013).

PD Rights

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

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with in accordance with policies 7.6 and 7.8 of the London Plan, policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

### Level Threshold

- 53) The ground floor entrance doors to the buildings and integral lift/stair cores 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 level access.

In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan, Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM G1 and DM G4 of the Development Management Local Plan (July 2013) and SPD Design Policy 1, 2 and 25 of the Planning Guidance Supplementary Planning Document (July 2013).

### Piling

- 54) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies 5.14 and 5.15 of the London Plan, policy CC2 of the Hammersmith and Fulham Core Strategy (2011) and policy DM H4 of the Development Management Local Plan (July 2013). The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

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

- 1) Land Use: All the proposed land uses are supported by adopted policy. Officers consider that the residential use is appropriate in this location and would replace and existing, vacant and to be demolished residential building set within a residential context. The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3, Core Strategy Policies H1 and SFR and DMLP Policy DM A1.
- 2) Affordable Housing: The proposal would help to regenerate the wider South Fulham Riverside Regeneration Area whilst maximising the value of the existing vacant site. The development provides a contribution in lieu for affordable housing off-site in order to maximise the delivery of affordable housing beyond that that could be realised on-site by way of the redevelopment of Edith Summerskill House and the council's affordable housing programme. This approach is supported in order to maximise the delivery of much needed affordable housing within the borough. The proposal is therefore considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9, Core Strategy Policy BE1 and OS1, Strategic Policies H3 and H4, DMLP Policies DM A2 and DM A3 Draft Local Plan Policy HO3.

- 3) **Housing:** The proposal provides a range of market rent unit sizes which are considered to respond positively to the site characteristics and given consideration to the wider demographics, would lead to a development that would maintain a mixed and balanced ward. The amenity and play space provided accords with the adopted policies and would provide a high quality of private and communal amenity for future occupants together with a high standard of residential accommodation. The density is acceptable, given the location within the South Fulham Riverside Regeneration Area and transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver 219 homes. The proposal is therefore supported and is considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9, Core Strategy Policy BE1 and OS1, Strategic Policies H3 and H4, DMLP Policies DM A2 and DM A3 Draft Local Plan Policy HO3
- 4) **Design and Conservation:** Development of this site provides an opportunity for significant enhancement and regeneration of this area. The proposal complies with Core Strategy Policy BE1 in that it respects the existing townscape context, demonstrates tangible urban design benefits and is consistent with the Council's wider regeneration objectives, and in doing so is sensitive to the setting of heritage assets. The development would a new high quality spaces and public realm. The proposed built form has a massing which responds to the proposed spaces and surrounding townscape at its edges. The elevations have an architectural character which provides interest across the frontages. The relationship between the built form and public realm would assist in the creation of a sense of place. It is considered that this is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Core Strategy Policies BE1, H03 and SFR, DMLP Policies DM G1, DM G2 and DM G7, Draft Local Plan Policy Strategic Policy SFRRRA, Draft Local Plan Policies H04, DC1, DC2 and DC3, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8.
- 5) **Transport:** The 72 parking spaces provided are in line with adopted policy and are suitable for this development in this location. There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory provision of cycle and refuse storage, construction and logistics and management while a Travel Plan is secured by legal agreement. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good, and is well served by public transport. External impacts of the development would be controlled by conditions and section 106 provisions. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1 and CC3 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM J1, DM J2, DM J4 and DM J5 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 6) **Impact on Neighbouring Properties:** The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise/disturbance and overlooking, no unacceptable 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

proposed development therefore accords with London Plan Policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7 and 7.14, Policies H3 and CC4 of the Hammersmith and Fulham Core Strategy (2011), and Policies DM G1, DM A3, DM A4, DM A9, DM H9, DM H10, DM H11 and DM E2 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

- 7) **Safety and Access:** A condition would ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Policy DM G1 of the Development Management Local Plan (2013). The development would provide 10% of all units as wheelchair units, level access, a lift to all levels and suitable circulation space. Conditions would ensure the proposal would provide ease of access for all persons, including disabled people and an Inclusive Accessibility Management Plan is provided for approval. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy 7.2 of the London Plan, Policies DM A4 and DM G1 of the Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Design Policies 1, 2 and 8 of the Planning Guidance Supplementary Planning Document (July 2013).
- 8) **Sustainability and Energy:** The application proposes a number of measures to reduce CO2 emissions with a carbon offset payment secured. A revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development therefore accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan, Policies CC1, CC2, H3, and FRA 1 of the Hammersmith and Fulham Core Strategy (2011), and Policies DM E4, DM H1, DM H2, DM H8 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 9) **Flood Risk:** A Flood Risk Assessment has been submitted which advises standard construction practices in order to ensure the risk of flooding at the site remains low and is considered acceptable with further design details relating to basement and flood proofing secured by condition. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system with further information on surface water drainage secured by condition. The development would therefore be acceptable in accordance with the NPPF (2012), Policies 5.11, 5.13, 5.14 of the London Plan, Policies CC1 and CC2 of the Core Strategy (2011) and Policy DM H3 of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 10) **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, Policy CC4 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM H7 and H11 of the of the Hammersmith and Fulham Development Management Local Plan (July 2013).
- 11) **Microclimate:** The development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings. A condition is secured to provide additional mitigation measures through the materials and landscaping. The proposal is

considered to comply with Policies 5.3, 7.6 and 7.7 of the London Plan and Policy DM G2 of the Hammersmith and Fulham Development Management Local Plan (2013).

- 11) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to securing the affordable housing provision by way of a commuted payment, offsetting highways impacts, carbon offset payment local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan and Policy CF1 of the Hammersmith and Fulham Core Strategy (2011).
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## **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 28th April 2017

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:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	22.05.17
Environment Agency - Planning Liaison	06.06.17
Historic England London Region	07.06.17
Greater London Archaeology Advisory Service	16.06.17

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
23 Querrin Street London SW62SL	03.06.17
12 Imperial Crescent Imperial Wharf London SW62RG	10.07.17
25 Kilkie Street London sw6 2sp	30.05.17
44 Glenrosa Street London SW6 2QZ	30.05.17
Ground Floor 48 Glenrosa Street London SW6 2QZ	31.05.17
48A Glenrosa Street London SW6 2QZ	02.06.17
62 Watermans Quay William Morris Way London SW6 2UU	13.06.17
124 Watermans Quay William Morris Way London SW6 2UW	03.06.17
48A Glenrosa Street London SW6 2QZ	02.06.17



## OFFICERS' REPORT

### 1.0 SITE AND SURROUNDINGS

- 1.1 The application site is bound by Greensward House and Imperial Crescent to the north, Potters Road to the east, Watermeadow Lane to the south and Townmead Road to the west. Watermeadow Court is a vacant council owned affordable housing estate comprising 80 units. In 2008, the site was declared surplus to requirements by the Council and was identified as a site suitable for disposal. It has been largely vacant since that time and became fully vacant in December 2016.

#### Existing Site

- 1.2 The existing site comprises 80 dwellings, 62 of these are social rented, the balance of 18 being leaseholders under Right to Buy. It has been vacated prior to demolition which already has planning permission due to the sub-standard accommodation provided by the present building rendering the existing site uninhabitable.

#### Designations

- 1.3 The Site is located within the Sands End Conservation Area. The Site does not contain any listed buildings or any nationally designated (protected) heritage assets, such as scheduled monuments or registered parks and gardens. There are no listed buildings within 200m of the Site. The closest listed structures are Langford School (Grade II) and Cremorne Bridge and West London Extension Railway Bridge (Grade II\*) which lie 300m and 430m from the Site, respectively.
- 1.4 The Site is situated within the Environment Agency Flood Zone 3 as land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, however the Site does benefit from flood defences. The tidal River Thames is approximately 100m to the east of the Site.

#### Transport

- 1.5 It lies 450m from Imperial Wharf station, which provides London Overground services as well as Southern Mainline train services. Destinations include Milton Keynes Central and Willesden Junction to the north, Clapham Junction and Croydon South to the south and Stratford (London) to the east. London Bus routes for the C3 and 391 run past the Site on Townmead Road, with a bus stop adjacent to the Site.
- 1.6 The site has a Public Transport Accessibility Level (PTAL) of 3. PTAL is a measure of the accessibility of a point to the public transport network. The method is essentially a way of measuring the density of the public transport network at particular points. A PTAL score can range from 1a to 6b, where a score of 1a indicates a "very poor" level of accessibility and 6b indicates an "excellent" accessibility level.

## Planning History

- 1.7 2013/02623/CACHF – Conservation area consent granted 22 August 2013 for the demolition of all the existing buildings. This permission has now lapsed as they were not implemented.
- 1.8 2013/02622/FR3 – Permission granted 21 August 2013 for the implementation of a landscaping scheme to include a 1.8m high fence for a temporary period of up to 18 months, following demolition of all existing buildings. This permission has now lapsed as they were not implemented.
- 1.9 2017/01219/FR3 – Permission granted 22 June 2017 for the implementation of a landscaping scheme and temporary hoarding (2.4m) for a period of up to 24 months following demolition of all existing buildings.

## Proposal

- 1.10 The application seeks full planning permission for the erection of a perimeter block providing 219 residential units formed from 3 linked buildings with a landscaped communal residents garden at the centre and are as follows:
- Block A is 4 stories with a set back 5th floor and adjoins Townmead Road at the east of the site, featuring 37 units
  - Block B is 6 stories plus a set back 7th floor and adjoins Townmead Road to the west of the site, featuring 70 units
  - Block C is 8 stories plus set back 9th floor. It is set back significantly from Townmead Road and is set to the south of the site and features 112 units
  - Block A is a maximum height of 22.82m AOD. Block B is a maximum height of 29.42m AOD, Block C is a maximum height of 36.90m AOD.
  - All units are provided at 100% market tenure
  - Single storey basement for plant, car parking and refuse accessed from Potter's Road
  - Central courtyard area featuring landscaping and play area
  - Landscaping to the main street edges onto Townmead Road and Watermeadow Lane
- 1.11 It should be noted that this application does not seek planning permission for the demolition of the existing buildings, permission for this aspect was considered and granted by committee on 12 June 2017 under ref. 2017/01219/FR3.
- 1.12 The number of units as proposed is as follows:

Unit type	Total	%
1b2p	112	51
2b3p	9	4
2b4p	94	43
3b6p	4	2
<b>Total</b>	<b>219</b>	<b>100</b>

Transport

- 1.13 The proposal would provide 72 car parking spaces at basement level which will be accessed by two vehicle lifts from Potter's Road capable of 40 movements per hour. Cycle parking is provide as described at mezzanine level providing a total of 332 cycle spaces.

### **Submitted Documents**

- 1.14 The applicant has submitted the following in support of the application:

- Covering Letter, prepared by Gerald Eve LLP
- Planning Application form prepared by Gerald Eve LLP
- Community Infrastructure Levy Form prepared by Gerald Eve LLP
- Planning Statement prepared by Gerald Eve LLP
- Design and Access Statement (including landscaping) prepared by HHbR and Vogt
- Financial Viability Assessment prepared by DS2
- Energy Strategy by Arup
- Sustainability Statement (Including SUDS) by Arup
- Flood Risk Assessment by Arup
- Construction Management Plan by Arup
- Statement of Community Involvement by George Cochrane
- Transport Assessment (including waste) by Vectos
- Desk Based Contamination Report by Arup
- Basement Structure Statement by Arup
- Acoustic Report by Arup
- Internal Daylight and Sunlight Statement by GIA
- Environmental Statement
- Planning Statement Addendum
- Financial Viability Assessment Addenda
- Circulation and Fire Escape Strategy

## **2.0 PUBLICITY AND CONSULTATIONS**

- 2.1 Residents were notified of the application by way of 530 letters, a site notice posted on 23<sup>rd</sup> May 2017 and a press advert published 16 May 2017. A total of 10 objections and 1 letter of support were received which are summarised as follows:

- Sense of enclose, the development is overbearing
- Loss of privacy and overlooking
- Loss of daylight and sunlight, in particular on adjoining sites with development potential as identified within the South Fulham Regeneration Area.
- Impacts on local public transport (capacity)
- Height is out of character with surrounding development.
- Increase in congestion and parking demands
- Increased noise and pollution during demolition
- Increased noise and traffic during construction
- Loss of light to neighbouring properties
- Lack of appropriate accommodation mix (such as key worker, unit mix)

- Insufficient open space and community facilities to cater to the number of apartments
- Impacts on views of neighbouring properties

Support:

- Provide improved visual appearance and allow important provision of housing.

### **Technical Consultations**

- 2.2 Technical consultations were undertaken and are summarised below:
- 2.3 Transport for London: no comments received
- 2.4 Environment Agency: no objection on flood risk safety grounds
- 2.5 Thames Water: No objection on waste or water capacity subject to condition
- 2.6 Historic England: No comments to make on this application.
- 2.7 Historic England Archaeology: The application is within an area of archaeological interest although it is not within an Archaeological Priority Area, there have been a number of find-spots and investigations in the area. As such further investigation is required beyond the desk top study within the ES to be secured by condition.

### **GLA Stage I**

- 2.8 The application is referable to the Mayor of London under Category 1A of the Mayor of London Order 2008, 'Development which comprises or includes the provision of more than 150 units'.
- 2.9 The Mayor was consulted on 18 May with the 6 week period for a response therefore expiring on 29 June, to date the Mayor's Stage I response has not been received and no extension of the 6 week time limit to receive that response has been received.
- 2.10 Officers note that the GLA has been engaged on this proposed development by both officers and the applicant at the earliest stage in conjunction with the proposed redevelopment at Edith Summerskill House, with the first meeting being requested in January 2016. A further meeting took place in November 2016.
- 2.11 The pre-application response from GLA officers in January 2016 supported the proposal for the re-development of both sites with the 100% market units at Watermeadow Court and 100% replacement affordable units at Edith Summerskill in principle in strategic terms under London Plan Policy 3.3 and that, 'having regard to the difficulties associated with managing private and affordable tenures in a single core tower block and given that the redevelopment of Edith Summerskill can deliver sufficient replacement affordable housing for the 148 affordable units that exist on both sites.'

- 2.12 'GLA officers acknowledge that a mixed use tenure residential tower with a single core [Edith Summerskill House] can present issues associated with management and service charges, making it unattractive to Registered Social Landlords. As such the principle of 100% affordable housing development is supported.
- 2.13 'It is understood that the redevelopment of Edith Summerskill House without market housing would not be viable in itself and therefore the redevelopment of the council owned Watermeadow Court as 100% market housing presents an opportunity to provide funding for the development at Edith Summerskill House. In accordance with Policy 3.12 of the London Plan 'Mixed and Balanced Communities' the applications will need to set out the full justification for the tenure split between the developments and the contribution in lieu of on-site affordable housing provision.
- 2.14 'In the case of Watermeadow Court the assessment should test a scenario with on-site provision against a scenario with a contribution in lieu, in order to demonstrate that a contribution in lieu can deliver a greater amount of affordable housing. In the case of Edith Summerskill House the assessment should justify the shortfall in viability and the net cost of providing an affordable unit, in order to identify the amount of additional units that being provided by off-site contributions.'
- 2.15 These comments were reinforced in the pre-application response of November 2016, citing that the tenure split between rental and shared ownership units at Edith Summerskill House was supported in accordance with London Plan Policy 3.9.
- 2.16 The 18 November 2016 response concludes by stating that 'As per previous advice the key principles of the schemes are supported'. Members will note that the applications were submitted at the end of May 2017.
- 2.17 Officers note that that the development proposals at both sites have undergone minor design changes since the last pre-application response in November 2016, however the overarching proposal and approach to affordable housing remains the same.

#### Design and Transport

- 2.18 In terms of design, both responses supported the arrangement, scale, mass and appearance of Watermeadow Court and this was in light of verified views that were provided in November 2016. The elevations and materials and the appearance of the development were also supported.
- 2.19 The GLA requested that street level accesses were provided and also had concerns at the number of units accessed from a single core in Block B, being contrary to the Mayor's Housing SPG standards. The layouts of the building 'do not raise any inclusive design concerns'.
- 2.20 Car parking levels were accepted with requests for electric charging and accessible parking provision. General comments were given for cycle parking requirements.

## **Design Review Panel**

- 2.21 The scheme was presented to the council's Design Review Panel on 23 November 2016. The panel felt the proposals had evidently been the subject of careful consideration and the planning was logical and sound.
- 2.22 Some aspects of the proposal were considered to need further refinement such as aspects of the plan form at the neck of the development, however, the east-west facing units appear to be generally good. The panel supported the servicing proposals from Meadowlands and raised technical questions about the parking - were two car lifts sufficient for the 80 proposed car spaces.
- 2.23 The garden design was viewed positively but it was noted that the detailed design should show how the required vents were accommodated. It was asked whether play space requirements had been considered.
- 2.24 The ground floor planning was supported. Issues of privacy and flood risk has been well thought out. The panel felt the duplexes with direct street access on Meadowlands were very well thought out and contributed positively to the public realm.

## **3.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 3.1 An Environmental Impact Assessment (EIA) has been undertaken and an Environmental Statement (ES) has been submitted by the applicants under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (amended 2015). This requires certain projects to be assessed to establish whether they would have any significant effect on the environment. The scale of the proposals means that it is EIA development requiring an ES.
- 3.2 The ES comprises:
- Volume I: Main Assessment Text and Figures – the main body of the ES, detailing the results of environmental investigations, effects arising and proposed mitigation measures;
  - Volume II: Townscape, Visual Impact and Built Heritage Assessment (TVIA) – reports the findings of the assessment of the effects on key and strategic views to and from the Site;
  - Volume III: Technical Appendices – comprises survey data, technical reports and background information supporting the assessments and conclusions given within the main ES; and
  - Non-Technical Summary – summarises the key findings of the ES in nontechnical language.
- 3.3 The ES informs readers of the nature of the Proposed Development and the likely environmental effects. It also presents the measures proposed to eliminate, reduce or mitigate any likely significant adverse effects on the environment (referred to as 'mitigation' measures). The ES identifies environmental effects during the demolition and construction phase, and on completion and occupation of the Proposed Development.

- 3.4 The significance of effects has been defined with reference to specific standards, accepted criteria and legislation where available. Effects have been classified as being:
- Adverse – detrimental or negative effects to an environmental / socio-economic resource or receptor (a component of the natural, created or built environment that is affected by an impact);
  - Negligible – imperceptible effects to an environmental / socio-economic resource or receptor. These effects are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error. These effects are unlikely to influence decision making; or
  - Beneficial – advantageous or positive effect to an environmental / socio-economic resource or receptor.
- 3.5 Where adverse or beneficial effects have been identified, these have primarily been assessed against the following scale (and are further defined within Volumes I and II of this ES):
- Minor – slight, very short or highly localised effect of no significant consequence;
  - Moderate – limited effect (by extent, duration or magnitude), which may be considered significant; or
  - Major – Considerable effect (by extent, duration or magnitude) of more than local significance or in breach of recognised acceptability, legislation, policy or standards.
- 3.6 Effects are also generally assigned a geographic extent (local, regional or national) and duration (temporary or permanent). In addition, the ES identifies the potential for direct and indirect effects, and interactions<sup>1</sup> and cumulative effects<sup>2</sup>.
- 3.7 Regulation 13 of the EIA Regulations provides that an applicant may ask a Local Planning Authority to state in writing its opinion as to the scope of an EIA. A formal EIA Scoping Report was submitted to the LBHF as a request for an EIA Scoping Opinion on the 15<sup>th</sup> March 2016 which detailed the scope of the ES, and the EIA Scoping Opinion was received on 5<sup>th</sup> May 2016. Comments received in the Scoping Opinion and responses from other consultees have been taken into account throughout the EIA process and during the preparation of the ES.
- 3.8 In summary, the EIA has identified that, once the Proposed Development is completed and occupied, it will result in beneficial effects in relation to socio-economics and wind microclimate, of which some are significant. Contrastingly, adverse effects generated from the Proposed Development during this phase include effects related to daylight, sunlight and overshadowing which are considered to be significant. However, given the urban context of the Site, such effects are likely to be unavoidable in relation to new development. Overall, the Proposed Development accords with the objectives of national, regional and local level planning policies and is therefore, considered to be in accordance with the Government's objectives for sustainable development.
- 3.9 Below is a factual summary of the findings contained within the ES:

## **Socio-Economics**

- 3.10 Chapter 6: Socio-economics of the ES (Volume I) assesses the likely significant effects on employment, local spending, local facilities and health care providers, open and play space within the surrounding area, as a result of the Proposed Development and the extent to which the Proposed Development conforms to relevant socio-economic planning policy.
- 3.11 The temporary (approximately 42 month) demolition and construction phase of the Proposed Development would create an estimated 129 jobs per year in the Greater London area, with an additional 35 jobs created for areas outside of the Greater London area, supporting a total of 164 net jobs on average per year during the construction period. This would equate to a minor beneficial (not significant) temporary effect on the Greater London economy.
- 3.12 Once the Proposed Development is completed and occupied, it was estimated that using average weekly spending figures for residents in Greater London, combined with the expected number of residents resulting from the proposed development, the additional expenditure created by residents is likely to have a minor beneficial (not significant), permanent effect on the Greater London economy. Due to the nature of the Proposed Development, the provision of 219 new homes is likely to have a moderate beneficial (significant) permanent effect on housing supply in the LBHF. As a result, no mitigation or monitoring measures have been proposed.
- 3.13 In terms of local services, the current surplus of primary and secondary school places mean that the Proposed Development will have a negligible (not significant) effect on education provision. Additionally, the existing provision of open and young people's play space is results in a negligible (not significant) effect as a result of the Proposed Development. However, once fully occupied it is estimated that 352 residents would reside in the Proposed Development, placing additional demands on health facilities within the local area. As a result, a lower level of service would be provided by GP's in the area, leading to a minor adverse (not significant) impact on primary healthcare provision. The use of Community Infrastructure Levy (CIL) receipts could help mitigate these effects.

## **Transport and Access**

- 3.14 Chapter 7: Transport and Access of the ES (Volume I) presents an assessment of the Proposed Development's likely significant effects on transport and access on the surrounding area.
- 3.15 The Site is well serviced through all modes of transport, including a number of public transport options, vehicle access, and pedestrian and cycle network facilities resulting in a PTAL rating of 3. A range of public transport networks are situated within walking distance of the Site, including bus, overground/national rail services and local car clubs. The Site also provides good accessibility via walking and cycling, with most of south Fulham being within a 2km catchment, and numerous cycle routes located within the local area.
- 3.16 The demolition and construction phase assessment in relation to effects on transport and access, identified mainly insignificant effects in relation to



severance, with the exception being on Watermeadow Lane and Potters Road, where the impacts were of high magnitude and considered to be moderate adverse (significant), but in an area of low sensitivity. However, across the overall network, the magnitude of change is considered to be very low and the significance of impacts on severance were deemed to be negligible (not significant). Through the implementation of the Construction Traffic Management Plan (CTMP), residual impacts during the demolition and construction stage will be negligible (not significant).

- 3.17 In addition, the effects of the demolition and construction programme are likely to have a negligible (not significant) effect on the surrounding area in relation to pedestrian delay & amenity, driver delay, accidents and safety and public transport. As such, no specific mitigation measures are proposed, save for the CTMP.
- 3.18 Once the Proposed Development is complete and occupied in 2020, it will have a negligible (not significant) effect on the surrounding area relative to severance, pedestrian amenity and delay, driver delay, accidents and safety and public transport. Therefore, no specific mitigation measures are required or proposed in addition to the Framework Travel Plan (FTP) which will be made available to all new residents and will set out alternative means of transport to reduce the reliance on car travel.

### **Air Quality**

- 3.19 Chapter 8: Air Quality of the ES (Volume I) assesses the likely significant effects on air quality as a result of the Proposed Development. In particular, the assessment considers the potential air quality impact and resultant air quality effects associated with dust generation, demolition / construction traffic and Non-Road Mobile Machinery emissions during the demolition and construction phases. The study also considers the effects resulting from road traffic and the energy centre emissions attributable to the Proposed Development once complete and operational.
- 3.20 Baseline air quality conditions at the Site were determined through a review of information collected by the LBHF. At the time of the study, there were no background automatic monitoring stations or diffusion tubes located within a reasonable distance of the Proposed Development in order to derive baseline air quality conditions. As a result, background maps from the Department for Environment, Food and Rural Affairs (DEFRA) were considered in the assessment.
- 3.21 Additionally, to inform the air quality assessment, AECOM carried out NO<sub>2</sub> diffusion monitoring; this involved a network of NO<sub>2</sub> diffusion tubes being set up across the local area for three months between February and May 2016.
- 3.22 Activities associated with the demolition and construction phase of the Proposed Development have the potential to generate dust emissions and to increase background PM<sub>10</sub> levels a result of demolition, earthworks, construction and trackout of material. Numerous receptors of high sensitivity are located within close proximity of the Site, resulting in a high risk of adverse effects. To combat this, site specific environmental design and management measures have been

devised as part of the mitigation strategy. With the implementation of Site specific measures, impacts on amenity, property and public health are likely to be minimised or prevented, resulting in a low to medium risk and a likely effect of negligible to minor adverse (not significant) significance, through being a short term, temporary impact.

- 3.23 Once the Proposed Development is complete and operational, the assessment considers that the studied receptors and future occupants are not expected to be exposed to concentrations of NO<sub>2</sub>, M10 or PM<sub>2.5</sub> elevated above the relevant objective values as a result of road traffic and operational energy centre emissions. No additional mitigation or monitoring is proposed once the Proposed Development is completed and occupied. Therefore, the Site is considered suitable for the proposed use.

### **Noise and Vibration**

- 3.24 Chapter 9: Noise and Vibration of the ES (Volume I) assesses the potential effects of the Proposed Development with respect to noise and vibration in relation to the demolition and construction works and on completion and occupation of the Proposed Development. In particular, the assessment focuses on; predicted noise and vibration levels from the demolition and construction works, noise from the Proposed Development during operation and an increase in noise associated with increases to road traffic attributed to the Proposed Development. A baseline noise survey was undertaken to establish noise levels at selected locations around the Site. It was noted during the baseline survey that the existing noise environment is dominated by traffic on the surrounding road network.
- 3.25 During the demolition and construction works, best practice environmental design and management measures will be implemented to reduce potential noise effects associated with the proposed works. Taking these into consideration, noise prediction levels demonstrated that noise would vary during typical periods of high construction activity, resulting in effects ranging from negligible to major adverse significance. However it should be noted that construction noise predictions are based on a 'worst-case' scenario, where all plant would be operational within all areas of the worksite. In reality, it is likely that the 'worst-case' noise levels predicted would only occur for limited periods of time. As these effects are temporary and short term, effects are considered to be negligible to moderate adverse (not significant).
- 3.26 Measures which will be implemented to reduce noise during the demolition and construction phase include, but are not limited to, the following:
- Machines in intermittent use will be shut down or throttled down to a minimum when not in use;
  - Rotary drills and bursters activated by hydraulic, chemical, or electrical power will be used for excavating hard or extrusive material; and
  - Noise emitting machinery which is required to run continuously will be housed in a suitable acoustically lined enclosure.
- 3.27 Vibration effects related to the demolition and construction phase are likely to result in negligible to minor adverse (not significant) effects on nearby sensitive

receptors. The exception to this is at receptors R1 and R11 which may experience a major adverse (significant) effect. Contractors will use a piling technique that is least likely to cause adverse vibration impacts to ensure that the effect of vibration is controlled so that the residual effect is of negligible to moderate adverse (not significant) significance at all nearby receptors.

- 3.28 Additionally, the increase in HGV levels during demolition and construction are not considered to be of magnitude that will result in adverse noise levels. Noise effects due to construction traffic are local and short term. All link roads will receive an effect of negligible (not significant) significance, with the exception of Watermeadow Lane, where the increase in noise is likely to cause a minor adverse (not significant) effect.
- 3.29 Once the Proposed Development is complete and occupied, negligible (not significant) residual effects have been identified in relation to road

### **Wind Microclimate**

- 3.30 Chapter 10: Wind Microclimate of the ES (Volume I) assess the likely effects on wind microclimate as a result of the Proposed Development. Analysis of meteorological data adjusted for the terrain roughness approaching the Site has provided an indication of the baseline 'wind' conditions for the Site. The wind conditions around the existing Site are classified as suitable for standing and strolling use during the windiest season, and therefore mostly suitable for thoroughfare use.
- 3.31 Wind conditions as a result of the demolition and construction phase have not been directly assessed; instead, professional judgement has been used to assess the likely conditions during these stages of development. The overall wind conditions during demolition and construction is expected to be strolling at worst and is within the acceptable range of wind conditions for the construction workers on the Site, Therefore, the likely effect is expected to be negligible (not significant), resulting in no planned mitigation.
- 3.32 Once the Proposed Development is completed and occupied, the effect on wind microclimate in relation to amenity spaces (ground level, terraces and balconies) is expected to be negligible to minor adverse. Through the installation of a 1.5m high solid balustrade and the addition of 1.5m high planters to be placed along the balustrade for balconies specifically, these effects will be reduced to effects of negligible (not significant) significance. Additionally, the wind conditions anticipated for entrances and thoroughfares are to be suitable for standing or calmer conditions during the windiest season, representing a negligible to minor beneficial (not significant) effect.

### **Daylight, Sunlight and Overshadowing**

- 3.33 Chapter 11: Daylight, Sunlight and Overshadowing of the ES (Volume I) assesses the likely significant effects on daylight, sunlight, and overshadowing as a result of the Proposed Development.
- 3.34 The daylight and sunlight impact assessment involved the review and collation of OS and readily available information to enable the creation of a 3D model of the

surrounding area and Proposed Development. The baseline data was gathered through surveying a total of 424 windows serving 189 rooms for daylight and 349 windows were assessed for sunlight within 41 properties. The results indicated a relatively low level of compliance with Building Research Establishment BRE (Ref. 10) standards for daylight and sunlight in the existing condition, which is reflective of an urban site location.

- 3.35 During the demolition and construction works, the effect on the daylight and sunlight amenity of the surrounding properties would vary throughout depending on the level of obstruction caused by the activities. The effects during the demolition and construction works would almost certainly be less than that of the completed Proposed Development, given that the extent of permanent massing would increase throughout the demolition and construction phase until the buildings are completed.
- 3.36 The demolition works would result in a negligible (not significant) effect in terms of daylight and sunlight for all the surrounding properties, as the amount of permanent massing would decrease with time. The construction of new buildings on the Site would have a gradual effect upon the levels of daylight and sunlight as the massing of the Proposed Development increases over time.
- 3.37 Once the Proposed Development is complete and occupied, 16 sensitive receptors out of the 41 in the study area will not experience any effect in relation to daylight and will not experience an effect in relation to sunlight. Consequently, the effect on daylight and sunlight to these properties is considered to be of negligible (not significant) significance.
- 3.38 The remaining properties experience impacts ranging from minor (not significant) to moderate adverse (significant), moderate adverse (significant) and three instances of properties experiencing moderate to major adverse effects (significant). Daylight and sunlight effects that are considered to be moderate adverse or above are predicted to occur at 4 residential properties.
- 3.39 Due to the urban context of the Site, such effects are likely to be unavoidable in relation to a new development. As the majority of the sensitive receptors will not experience significant effects, no mitigation measures are considered necessary.
- 3.40 In relation to transient overshadowing, there is an increase in overshadowing from the Proposed Development throughout the day in comparison to the existing Site. The majority of the amenity spaces in the surrounding area are already overshadowed by the surrounding context. However, there is minimal increase and the effect of overshadowing on the surrounding amenity areas is considered to be minor adverse (not significant). Therefore, no mitigation is considered necessary.

### **Ground Conditions**

- 3.41 Chapter 12: Ground Conditions of the ES (Volume I) addresses the effects of the Proposed Development on ground conditions. This chapter considers the effects associated with potentially contaminated soils and groundwater and is made in the context of existing site conditions (i.e. baseline conditions) throughout the

demolition and construction works and once the Proposed Development is complete and occupied.

- 3.42 During the demolition and construction works, effects arising from the risk of disturbance of contaminated ground and groundwater; risk of disturbance of unexploded ordnance; disturbance of contaminated ground and increased water use increasing leaching potential; and excavation for basements and foundations (including lowering of the water table) will cause local, medium term, temporary effects. These effects range from negligible (not significant) to major adverse (significant). Standard best practice environmental mitigation and monitoring measures will be implemented to minimise impacts to the environment and human health. These include reviewing the ongoing Phase II Environmental Site Investigation and Environmental Quantitative Risk Assessment, commissioning an Explosive Ordnance Threat Assessment, appropriate disposal of made ground, the selection of appropriate methods to dewater excavations and groundwater level monitoring. Therefore, the remaining residual effects relating to all the above impacts are considered to be of negligible (not significant) significance.
- 3.43 Once the Proposed Development is complete and occupied, areas of soft landscaping present a threat to potential end users through residual contamination and contaminated groundwater beneath the Site, resulting in a local, long term permanent effect of major adverse (significant) significance. Through the incorporation of best practice environmental design and management (including best practice measures), the proposed mitigation and monitoring will result in a negligible (not significant) effect to the health of end users.

### **Water Resources, Drainage and Flood Risk**

- 3.44 Chapter 13: Water Resources, Flood Risk and Drainage of the ES (Volume I) reports the assessment results of the likely effects on water resources, flood risk and drainage as a result of the Proposed Development.
- 3.45 The measures envisioned through careful environmental design and management (that form part of standard practice operational guidelines and which apply control at the source or along the pathway of pollution) will reduce the risk and hence the likelihood that some potential effects on water resources, drainage or flood risk would occur. As a result of these measures, no likely significant effects are anticipated in relation to sediment in runoff, leaks and spillages of contaminants, ground water and flow quality, increase in runoff rates, flood risk and sustainable drainage systems.
- 3.46 With the implementation of a CEMP for the Proposed Development, the only impacts that could potentially lead to significant effects associated with the demolition and construction phases are additional water demand and additional wastewater generation. Water demand during this stage will represent a short-term, temporary increase in supply volume to the Site, and therefore would result in a minor adverse (not significant) effect. An increase in wastewater generation is also expected, however due to the distance of the Site from the River Thames and the dilution provided via the sewer network, the magnitude of the impact is considered to be very low, and therefore the effect would be negligible (not

significant). As a result, no additional mitigation and monitoring beyond the measures already described in the CEMP are required for the Proposed Development.

- 3.47 Once the Proposed Development is complete and occupied, additional water demand and wastewater generation are again the only effects likely to cause significant effects. However, due to the catchment scale terms (and water stress status), and considering the provisions being made by the Thames Water Utilities Limited (TWUL) to allow for anticipated population growth, the overall effects are deemed to be negligible (not significant). However, delays to any upgrades to the local sewer network could result in a major adverse (significant) effect.

### **Archaeology**

- 3.48 Chapter 14: Archaeology of the ES (Volume I) assesses the likely significant effect on below ground archaeology (buried heritage assets) as a result of the Proposed Development.
- 3.49 Baseline conditions were gathered through an archaeological desk based assessment, incorporating numerous reputable data sources, including; the Historic England National Heritage List (HE NHL) and the London Metropolitan Archives (LMA). A site walkover and visual appraisal was undertaken on to identify any visible archaeological assets or evidence of previous ground disturbances, and where appropriate to assess the setting of archaeological assets identified within the study area. The study area for the assessment was defined as a 500m radius and supplemented with the results of archaeological investigations from the wider area.
- 3.50 The demolition and construction phase of the Proposed Development, particularly the construction of the basement, has the potential to disturb and cause physical impacts on known and unknown buried archaeological assets. The proposed works will include the removal of the Trinidad Asphalt works, Britannia Wharf Wall, archaeological remains of post medieval date, palaeo-environmental remains and prehistoric evidence, resulting in effects of minor adverse (not significant) to moderate adverse (significant) in significance. Through the incorporation of detailed mitigation, including further monitoring/review of geotechnical investigations and a programme of archaeological recording, all residual effects are considered to be minor adverse (not significant).
- 3.51 All impacts on the archaeological resources will occur during the demolition and construction phase of the Proposed Development. Therefore, there will be no effects arising from the completed and occupied Proposed Development.

### **Ecology and Nature Conservation**

- 3.52 Chapter 15: Ecology and Nature Conservation of the ES (Volume I) assesses the likely significant effects on ecology and nature conservation as a result of the Proposed Development. For the relevant ecological features considered in the assessment (particularly bats and non-native invasive species) this chapter considers the potential impacts on these features resulting from demolition, construction and operational phases of the Proposed Development.

- 3.53 A Preliminary Ecological Appraisal (PEA) of the Proposed Development was undertaken during 2016. The PEA identified that there are no statutory designated sites for nature conservation located within 2km of the Proposed Development. The River Thames, a Site of Metropolitan Importance (SMI) for Nature Conservation is the closest and is located approximately 125m to the east of the Proposed Development. The River Thames is designated for, in part, its importance to wildfowl and wading birds as well as its fish populations. It is of Metropolitan value. However, there is considered to be negligible noise, visual disturbance or shading that would result in any likely significant effect. On this basis, impacts on designated sites have been scoped out of the assessment.
- 3.54 The PEA also identified that the majority of the Site is occupied by two brick built, slate roofed former residential buildings. The remainder of the Site consists of associated hard standing in the form of car parking and footpaths, and small areas of landscape planting. These habitats are of negligible ecological value, and therefore have been scoped out of the assessment.
- 3.55 An external assessment of the two buildings on Site was undertaken in February 2016 and identified the presence of a variety of features potentially suitable to support roosting bats. Both buildings were subsequently subject to further bat surveys in late September/early October 2016 which identified that the larger building in the south of the Site (Building 1) is used as a roost by low numbers of soprano pipistrelle bats (maximum count of 2 individuals). No bats were recorded emerging or entering the smaller building (Building 2) in the north of the Site, however potentially suitable features exist and bats could utilise this building in the future.
- 3.56 All UK bats and their roosts are afforded protection under the Conservation of Habitats and Species Regulations (2010 as amended). The local soprano pipistrelle population, of which the individuals utilising the roost in Building 1 form a part, is on a precautionary basis considered to be of up to Borough value.
- 3.57 Prior to the implementation of any further mitigation (i.e. beyond those standard measures assumed to form part of the scheme), there is the potential for the demolition of the existing buildings to result in the killing or injury of a small number of soprano pipistrelle bats, and a minor reduction in the availability of suitable roosting habitat. However, assuming that a licence from Natural England is gained to undertake the proposed works, and the removal of key stages of work are supervised by an appropriately qualified ecologist, the overall effect on the local bat population is likely to be negligible and non-significant. Therefore, the Proposed Development is not expected to result in any residual effects on ecological features.

### **Townscape, Heritage and Visual Impact**

- 3.58 ES Volume II: Townscape, Visual Impact and Built Heritage Assessment presents an assessment of the potential visual impacts of the Proposed Development on the character of the local and wider townscape, and the setting of heritage assets.
- 3.59 The existing buildings on the Site will be demolished. As these buildings have no townscape or heritage value, effects are considered to be negligible (not

significant). The construction of the Proposed Development will have visual (equipment, cranes, lighting) and spatial (hoarding, accessibility) effects locally. In close vicinity to the Site, the effect on views and townscape character would range from minor (not significant) to major adverse (significant). In the middle to far distance from the Site, the effects would arise from the visual change to the skyline and the equipment (cranes) required for the proposed works. However, due to the limited visibility of the cranes, the effects are considered negligible (not significant).

- 3.60 Upon completion and occupation, it has been noted that the Proposed Development is a high quality residential development that will respond well to its context and bring a new visual quality to the locality. Therefore in relation to visual impacts, it has been determined that effects range from neutral to beneficial and of minor to major significance, resulting in no adverse impacts. The heritage assessment determined that the impact resulting from the Proposed Development on Sands End Conservation Area and Townscape Conservation Area to be moderate beneficial (significant). The effects on Townscape Character Areas are found to be minor to moderate beneficial. Therefore, no mitigation measures are required.

### **Effect Interactions**

- 3.61 Chapter 16: Effect Interactions of the ES concludes that there is the potential for effect interactions to take place both during the demolition and construction and operational phases of the Proposed Development.
- 3.62 Four identified receptor groups are potentially subject to more than one effect during the demolition and construction phase, which include:
- Neighbouring and Local Commercial Properties and Businesses;
  - Neighbouring Residential Properties;
  - Demolition and Construction Site Workers; and
  - Social Infrastructure and Community Facilities.
- 3.63 The above receptors may potentially be affected by a combined effect relating to Noise and Vibration (noise) and Noise and Vibration (vibration). Potential effects range from negligible to moderate adverse significance, but when combined could potentially create effects of minor (not significant) to moderate adverse (significant) (albeit short-term and temporary). The Applicant is committed to good environmental management and with the implementation of the CEMP, which includes detailed control measures and best practice mitigation measures in order to prevent, reduce and minimise environmental effects through this phase of the Proposed Development, it is the intention to reduce as far as is reasonably practicable the likelihood and occurrence of significant adverse effects.
- 3.64 Once the Proposed Development is completed and occupied, future on-site users could potentially be impacted from the combined effects from Wind Microclimate and Daylight, Sunlight and Overshadowing effects. Potential effects range from negligible to minor (not significant) and moderate beneficial (significant) for the wind microclimate of thoroughfares and entrances respectively, and negligible to minor (not significant) and major adverse (significant) for daylight, sunlight and



overshadowing. Once combined, these effects could potentially create a neutral microclimate effect on future on-site users. Overall, the Applicant and Architects have incorporated various designs and mitigation measures to prevent, reduce and minimise any adverse impacts relating to the Site.

### **Cumulative Effects**

- 3.65 The EIA considers the cumulative effects of the Proposed Development in relation to other developments within close proximity (approximately 1 km – see Figure 3) of the Site that may have an additive effect on surrounding receptors. An assessment of the combined effects of the Proposed Development with these other development schemes has been undertaken and can be found in each of the technical chapters of the ES (Volume I and II).
- 3.66 The majority of the technical topics covered within the ES are not anticipated to give rise to significantly adverse cumulative demolition and construction effects, as long as standard mitigation measures (such as the use of appropriate traffic management measures and construction routing; and maintenance of site hoardings and compliance with the environmental management measures detailed within a CEMP) are adhered to. It is expected that the other cumulative schemes' demolition and construction works would also adhere to such best practice measures.
- 3.67 Permanent significant beneficial cumulative effects are anticipated in relation: to long-term effects on the local economy through increased expenditure from future residents, beneficial effects in relation to townscape views and built heritage, potential remediation, and surrounding wind microclimate.

### **Residual Effects**

- 3.68 The residual effects (i.e. those effects that remain after the implementation of mitigation measures) of each technical topic covered within the ES are summarised within Chapter 17: Residual Effects and Conclusions of the ES (Volume I) and are outlined in the preceding sections of this NTS.
- 3.69 Throughout the demolition and construction phase, there are several adverse (including archaeology and noise) and beneficial (including socio-economics) residual effects. The majority of these have been assessed as minor at worst and are therefore considered to be 'not significant'.
- 3.70 To ensure that the mitigation measures identified throughout the ES achieve the residual effects identified, the Applicant will develop and implement, in consultation with the LBHF, a CEMP (or equivalent) for the demolition and construction works, which will outline how the works will comply with the appropriate standards and guidance. The CEMP will incorporate the commitments and mitigation measures presented within the technical chapters of the ES, as well as providing details on the roles and responsibilities for those measures, how potential adverse environmental effects would be prevented or minimised and provision for monitoring and record keeping. Local residents will be consulted and kept informed as to the demolition and construction works and traffic management proposals.

## **4.0 PLANNING CONSIDERATIONS**

### **Joint Venture HFS Developments**

- 4.1 Stanhope and Hammersmith & Fulham formed a 15 year 50/50 Joint Venture (HFS Developments) in 2014 to develop sites across the Borough for housing and other uses that met the council's objectives. Two sites were identified early and two conditional land sale agreements ("CLSA") were entered into by the Joint Venture. The council will receive market value for the land, Stanhope and its funding partner funds all development costs and the parties share the profit on a pre-agreed basis. The whole process to select a partner was widely marketed and tendered through an OJEU process back in 2013. As a 50% participant in the Joint Venture the council and Stanhope have to agree a strategy for taking forward development opportunities.
- 4.2 The first sites to be developed are sites known as Watermeadow Court and Edith Summerskill house and CLSAs were signed for the development of these sites. Officers consider that the commercial terms within the CLSAs are a private law contract matter as such are not a material consideration and have not taken it into account in forming their planning judgment.
- 4.3 However, it is noted that there are a number of provisions that relate to planning land use matters, for example the provision of affordable housing, replicate a number of planning obligations to be secured by a section 106 agreement and conditions required which are required to make the proposal acceptable and in accordance with the statutory development plan. The planning obligations and conditions are set out in the body of the report.
- 4.4 Thus, in so far as the terms in the CLSAs relate to planning land use matters, they are not material considerations and have not been taken into account by planning officers

### **Policy Framework**

- 4.5 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 4.6 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 4.7 In this instance the statutory development plan comprises the following the London Plan (2016), the Hammersmith and Fulham Core Strategy (2011) (the Core Strategy) and the Hammersmith & Fulham Development Management Local Plan (2013) (DMLP). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

- 4.8 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 4.9 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.10 The NPPF is aimed at safeguarding the environment while meeting the need for sustainable growth. It advises that the planning system should:
- a) plan for prosperity by using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - b) plan for people (a social role) - use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
  - c) plan for places (an environmental role) - use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy. The NPPF also underlines the need for councils to work closely with communities and businesses and actively seek opportunities for sustainable growth to rebuild the economy; helping to deliver the homes, jobs, and infrastructure needed for a growing population whilst protecting the environment.
- 4.11 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

### **Proposed Local Plan**

- 4.12 The Council submitted, on 28 February 2017, the Proposed Submission Local Plan and supporting documents to the Secretary of State for Communities and Local Government. The Proposed Submission Local Plan was subject to

examination in public between 13 and 22 June 2017. In light of the fact that an independent examination has recently concluded it is considered the Proposed Submission Local Plan should be given limited weight in considering and determining this application.

### **Assessment**

4.13 The principle issues to be assessed in relating to the submitted development proposal are considered to consist of:

- Land use
- Housing
- Design and Heritage
- Highways implications
- Residential Amenity
- Daylight and Sunlight Impacts
- Microclimate
- Air Quality
- Land Contamination
- Flood risk and drainage

### **PRINCIPLE OF DEVELOPMENT – LAND USE**

4.14 **The NPPF** seeks to significantly boost the supply of housing (paragraph 49), and states that: "housing applications should be considered in the context of the presumption in favour of sustainable development".

4.15 **London Plan 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). **Policy 3.3D of the London Plan** states that boroughs should seek to achieve and exceed these housing targets

4.16 **London Plan Policies 2.13 and 3.3** state that minimum housing targets should be exceeded

4.17 **Core Strategy Policy H1** 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.

4.18 **Core Strategy Strategic Policy SFR** relates to the South Fulham Riverside Regeneration Area and sets a target of 2,200 additional homes for the area. The policy states that development should be predominantly for residential purposes.

- 4.19 **DMLP Policy DM A1** requires the council will seek to exceed the London Plan housing target by delivering housing on both identified and windfall sites and as a result of change of use.
- 4.20 **Draft Local Plan Policy Draft Local Plan Policy H01** states a revised target of 1,031 additional dwellings a year up to 2025.
- 4.21 The application proposes 219 residential units, all of which will be provided as private market rent and this would replace an existing 100% residential land use comprising 80 dwellings representing an uplift of 149 residential units. There is a pressing need for additional housing in London as recognise by London Plan and Local Plan policies. London Plan Policy 3.3 specifically requiring boroughs to exceed the minimum housing target through the intensification of brownfield land.
- 4.22 The existing site is in residential use and has been vacated prior to demolition due to the sub-standard accommodation provided by the present building rendering the existing site uninhabitable. The proposal would bring this site back into residential use and intensify this use to achieve and increase in units over that existing.
- 4.23 The residential-led redevelopment of the site is considered appropriate in light of adopted and draft policies in accordance with the requirements of the NPPF, regional and local planning policy subject to further comments within the following sections. This is subject to further consideration of the mix and tenure of the proposed units.
- 4.24 The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3, Core Strategy Policies H1 and SFR and DMLP Policy DM A1

## **HOUSING**

- 4.25 At the regional level, the London Plan emphasises the need for more homes in the capital at a range of tenures and of a range of sizes. As such there are several planning policies that seek to support the development of residential properties across the city.
- 4.26 **London Plan Policy 3.9 (Mixed and Balanced Communities)** states that a more balanced mix of tenures should be sought in all parts of London, particularly in neighbourhoods where social renting predominates and there are concentrations of deprivation.
- 4.27 **London Plan Policy 3.9** goes on to state that communities, mixed and “balanced by tenure and household income, will be promoted across London through incremental small scale, as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment”.

- 4.28 **London Plan Policy 3.10** outlines that homes “should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision”.
- 4.29 **London Plan Policy 3.10** defines affordable housing as: "social rented, affordable rented and intermediate housing (para 3.61), provided to eligible households whose needs are not met by the market. ..." and defines each as follows:
- Social Rented Housing - is owned by local authorities or registered providers, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Mayor. Social rent is lower than affordable rent.
  - Affordable Rented Housing is that which is let by local authorities or registered providers of social housing and is subject to controls requiring a rent of no more than 80% of the local market rent (including service charges where applicable).
  - Intermediate Housing - is available for sale or rent at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rent. Households whose annual income is in the range £18,100-£66,000 should be eligible for new intermediate homes. For homes with more than two bedrooms, which are particularly suitable for families, the upper end of this eligibility range will be extended to £80,000. These figures will be updated annually in the London Plan Annual Monitoring Report.
- 4.30 **London Plan Policy 3.11 (Affordable Housing Targets)** sets a London wide affordable housing target of at least 13,200 more affordable homes per year. The policy advises that 60% of new affordable housing should be provided for social or affordable rent and 40% for intermediate rent or sale, with priority accorded to the provision of affordable family housing. The London Plan addresses the introduction of affordable rent, with further guidance set out in the Housing SPG. With regard to tenure split the Mayor’s position is that both social rent and affordable rent should be within the 60%.
- 4.31 **London Plan Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)** seeks negotiation to secure the maximum reasonable amount of affordable housing within new development taking account of the individual circumstances including development viability.
- 4.32 **London Plan Policy 3.12** sets out a cascade approach to providing affordable housing. In the first instance it states that affordable housing should be provided on-site except where it can be demonstrated robustly that this is not appropriate. The policy also states that negotiations should take account of the Site’s individual circumstances including development viability. Where it can be demonstrated that affordable housing cannot be provided on site, it may be provided off-site. It goes on to state that a cash in lieu contribution should only be

accepted where this would have demonstrable benefits in furthering the affordable housing provision and should be ring-fenced to secure additional affordable housing on identified sites or elsewhere in the borough as part of an agreed programme.

- 4.33 **Policy 3.14 (Existing Housing)** states that Boroughs should resist the loss of housing, including affordable housing, unless the housing is replaced at existing or higher densities with at least equivalent floorspace. It goes on to promote the efficient use of the existing stock of housing by reducing the number of vacant, unfit and unsatisfactory dwellings, including through setting and monitoring targets for bringing properties back into use. Further, boroughs should prioritise bringing back into use homes that have been empty or derelict.
- 4.34 Supporting paragraph 3.82 states that “Estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area (see Policy 3.9), and the amount of affordable housing intended to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing”.
- 4.35 **Core Strategy Policy H2 (Affordability)** sets a borough wide target that 40% of all additional dwellings should be affordable.
- 4.36 **Draft Local Plan Policy HO3 (Affordable Housing)** provides more detailed guidance on the level of affordable housing, stating that housing schemes should increase the supply and improve the mix of affordable housing to help achieve more sustainable communities. Stating that at least 50% of housing units should be affordable, of which 60% should be social or affordable rent and 40% should be for intermediate housing.
- 4.37 The Mayor of London published the **Housing SPG** in March 2016 which was subsequently updated in May 2016.
- 4.38 Para 5.1.13 states that as a general guide, where redevelopment of affordable housing is proposed, it should only be permitted where it is replaced by better quality accommodation, providing at least equivalent floorspace of affordable housing. The Plan provides flexibility to take into account local circumstances when considering individual proposals for estate renewal in terms of:
- the regeneration benefits to the local community
  - the proportion of affordable housing in the surrounding area and the need to provide mixed and balanced communities (Policy 3.9)
  - the amount of affordable housing intended to be provided elsewhere in the borough.
- 4.39 Para 5.1.15 goes on to state that the objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary.

- 4.40 The Mayor of London published the **draft ‘Homes for Londoners’ Supplementary Planning Guidance** in November 2016 for consultation.
- 4.41 Paragraph 2.54 of the Draft Guidance states that schemes which include the loss of affordable housing will be required to ensure that existing affordable housing is replaced by better quality accommodation, providing at least the equivalent floorspace of affordable housing. The document states that the Mayor expects existing affordable housing to be replaced on a like-for-like basis, meaning there should be no net loss of existing affordable housing tenures (including social rented accommodation).
- 4.42 **The Mayor published a draft Guide to Estate Regeneration** in December 2016 and consulted on the draft Guide between 13 December 2016 and 14 March 2017.
- 4.43 Paragraph 9 of this document states that the Mayor believes that, where demolition and rebuilding is chosen as part of estate regeneration, this should only happen where it does not result in a loss of social housing, or where all other options have been exhausted. This principle will apply to estate regeneration projects that seek new funding from the GLA. Paragraph 10 states that where GLA funding is not involved, current London Plan policy states that the loss of affordable housing should be resisted unless it is replaced with better quality homes at existing or higher densities with at least the equivalent amount of floorspace. The Mayor will continue to apply this approach when considering planning applications for estate regeneration projects. The policy will be reviewed as part of the development of his new London Plan, the draft of which is due for publication in 2017.

### **Affordable Housing**

- 4.44 The site is currently occupied by vacant buildings ranging in height between three and four storeys, comprising a total of 80 residential units (Class C3), 62 of these are social rented, the balance of 18 being leaseholders under Right to Buy.
- 4.45 The proposed scheme will deliver 219 new market housing units across three new buildings, resulting in the provision of new high quality residential properties on an existing residential site and the loss of 62 social-rented units.

### **Viability Assessment**

- 4.46 The application was submitted with a Financial Viability Assessment (FVA) ‘ that It has been reviewed by the council’s appointed consultants Cushman and Wakefield.
- 4.47 A £6m contribution is identified as an off-site contribution in lieu of affordable housing at Watermeadow Court. The council’s consultants have assessed the scheme and conclude that the proposal generates a surplus of £10m, £6m towards affordable housing at ESH and a further £4m to the council’s programme.
- 4.48 This affordable housing programme has been developed by the council separate from the JV and is focused upon maximising affordable housing on council owned



land, this includes directly delivered schemes and in partnership with housing associations. There are currently schemes in procurement or planning by the council that will deliver some 90 new social rented units across the borough and, in partnership with registered providers, the council will start on site in this financial year with a further 89 affordable units.

- 4.49 This includes on Clem Atlee estate itself where a planning application, ref. 2017/03700/FUL, has been submitted for 30 affordable units on the site of the existing Fulham North Area Housing Office which included 18 units at social rent. The council has identified land for a further 600 new units of which minimum 50% will be affordable, and a framework of registered provider partners is anticipated to commence in October; officers expect 300 of these units to come through the planning system and start on site within the next 18 months. As such the commuted payment from Watermeadow Court will go directly into the delivery of this programme
- 4.50 The £6m from Watermeadow Court would deliver 19 units at Watermeadow Court against 32 units at Edith Summerskill House, where the per unit cost is £188,000. The Edith Summerskill House development proposes 133 affordable units. As such the commuted payment directly to the delivery of Edith Summerskill House not only secures the delivery of that redevelopment of an uninhabitable building to provide 133 affordable units, but funds 32 of those units compared to 19 on-site. The remaining £4.3m, would go towards the council's affordable housing programme would contribute a significant quantum of affordable housing, including many at social rent.
- 4.51 It is therefore proposed that the affordable housing will be provided both off-site at Edith Summerskill House and by way of commuted payment. The proposed 133 affordable units at Edith Summerskill House will provide 106 social rented units, and 27 intermediate rent.
- 4.52 There are a number of factors that may or may not impact on the £10m surplus. In particular the site is likely to have a significant level of contamination and a £3.5m allowance is made for this, however the exact figure will depend on the level of contamination found.
- 4.53 As such it is proposed that a review mechanism is included within the s106 agreement. The applicant has proposed the payment of the £6m towards Edith Summerskill House at 50% occupancy of Watermeadow Court and this trigger point would be used to review the additional contribution that would be deliverable at no less than £6m. Given the nature and linkage between the two planning applications, it is also proposed that the schemes are linked by way of s106 agreement.

#### Replacement of Affordable Housing

- 4.54 Over both sites there are 148 existing units, of these 123 were affordable with a social rented tenure with the remaining 25 being bought under the Right to Buy scheme and therefore being classed as market units. As proposed there are 133 affordable units which represents an increase of 10 affordable housing units.

<b>Existing</b>	<b>Social Rented (units)</b>	<b>Intermediate Rent (units)</b>	<b>Private (units)</b>	<b>Total</b>
ESH	61	0	7 (RTB)	68
WMC	62	0	18 (RTB)	80
Total	123	0	25	148
<b>Proposed</b>	<b>Social Rented (units)</b>	<b>Intermediate Rent (units)</b>		<b>Total</b>
ESH	105	28	0	133
WMC	0	0	219	219

4.55 In terms of tenure there is a loss of 18 social rented affordable units across both sites. However, in terms of floorspace, the total existing affordable floorspace is as follows:

	<b>Existing GEA sqm</b>	<b>Proposed GEA sqm</b>
<b>ESH</b>	7090 (affordable and RTB)	16,262 (affordable)
<b>WMC</b>	7107.5 (affordable and RTB)	22,661 (Market)
Total	14,197	38,923

4.56 The total proposed affordable floorspace at Edith Summerskill House is 16,262 sqm GEA, so overall there is an uplift in the affordable housing floorspace of 2,065 sqm GEA. This figure represents a change from a purely social rented tenure across both sites, to an 80% social rented, 20% intermediate rented tenure split at Edith Summerskill House.

4.57 The overall loss of social rented units, despite there being an increase in affordable floorspace overall, is because the size of the units at Edith Summerskill House. These are provided in excess of the minimum London Plan standards, whereas the existing affordable units are all sub-standard. Additionally, that development is also required to increase the floor to ceiling heights in addition to modern safety and noise attenuation requirements. The development therefore results in higher quality replacement affordable housing at a higher quantum and floorspace, but at a different tenure mix.

4.58 London Plan Policy 3.14 states that there should be no net loss of affordable housing unless it is replaced at existing or higher densities with at least the equivalent amount of floorspace. The proposals across both sites provide more affordable floorspace than existing. London Plan Policy 3.14 also promotes reducing the number of unfit, unsatisfactory dwellings. The proposals at both sites will achieve this by replacing old derelict sub-standard accommodation with high quality accommodation.

4.59 Supporting Paragraph 3.82 of London Plan Policy 3.14 states that proposals for estate renewal should take account of the proportion of affordable housing in the surrounding area and the amount of affordable housing to be provided elsewhere in the borough. As set out above, the proposals will still result in a mixed and balanced community in the surrounding area of both sites and the loss of affordable floorspace at Watermeadow Court should take account of the

proposed affordable floorspace to be provided elsewhere in the Borough at Edith Summerskill House.

- 4.60 Furthermore, paragraph 3.82 states that where redevelopment of affordable floorspace is proposed, it should not be permitted unless it is replaced by better quality accommodation providing at least an equivalent amount of affordable housing floorspace. The proposed floorspace at Edith Summerskill House is of extremely high quality of a much higher standard than existing, and there will be more affordable floorspace at Edith Summerskill House than the existing Watermeadow Court and Edith Summerskill House affordable floorspace as set out in paragraph 32.
- 4.61 The Mayor's Housing SPG reflects the above policies stating that where redevelopment of affordable housing is proposed it should only be permitted where it is replaced by better quality accommodation providing at least equivalent floorspace for affordable housing. It also provides flexibility to take account of the local circumstances when considering individual proposals for estate renewal in terms of regeneration benefits to the local community; proportion of affordable housing in the local area (as in London Plan Policy 3.9) and the amount of affordable housing intended to be provided elsewhere in the Borough.
- 4.62 As set out in detail further in this report the proposal provides mixed and balanced communities at both locations and takes account of affordable housing to be delivered elsewhere in the Borough. In terms of regeneration benefits, the existing site is abandoned and derelict and is detrimental to the character and appearance of the local area. The proposal is considered by officers to improve the appearance of the site and create active frontages, the full assessment of this being set out in the relevant subsequent section of this report.
- 4.63 Paragraph 5.1.15 of the Housing SPG states that the objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary. Watermeadow Court is an isolated estate that does not form part of a wider estate in this area and therefore options for replacement provision in this location are limited to the same site.
- 4.64 Paragraph 2.54 of the Mayor of London's draft 'Homes for Londoners' SPG November 2016 states that affordable housing should be replaced on a 'like for like' basis, meaning there should be no net loss of existing affordable housing tenures (including social rented accommodation).
- 4.65 As set out above, there is a net gain of 10 affordable units but a loss of 18 social rented units across both Edith Summerskill House and Watermeadow Court. There is, however, an increase of 2,065sqm of affordable floorspace, but it is of a much better quality and provides accommodation that now complies with current day standards whereas the existing social rented units are all sub-standard. Officers note that demolition has commenced on both sites.
- 4.66 Paragraph 10 of the Mayor's draft Guide to Estate Regeneration states that where GLA funding is not involved, the loss of affordable housing should be resisted unless it is replaced with better quality homes with at least the equivalent

amount of floorspace. As set out above the proposals will not result in the loss of affordable floorspace across both sites and will provide substantially better quality accommodation.

4.67 In conclusion the proposals at Edith Summerskill House and Watermeadow Court will deliver:

- More affordable housing floorspace than existing;
- Better quality affordable accommodation;
- Mixed and balanced communities in both areas; and
- More housing.

4.68 Officers consider that the proposed 100% market units of Watermeadow Court with the proposed mechanism of delivering off-site affordable housing at Edith Summerskill House accord with Policies 3.9 and 3.14 of the London Plan, the Housing SPG draft guidance 'Homes for Londoners' and the Draft 'Guide to Estate Regeneration' December 2016.

### Summary

4.69 Officers conclude that a far greater amount of affordable floorspace can be provided off site at Edith Summerskill House than will be achieved at Watermeadow Court plus the payment will help to secure the delivery of the Edith Summerskill House scheme in its entirety.

4.70 Therefore, although there is a loss of affordable floorspace through the proposed development of Watermeadow Court, this would be offset by the increase in affordable units and floorspace between the two sites and an additional contribution would further deliver units through the council's affordable housing programme. The loss of 17 social rented units is for the reasons stated and would result in a mixed tenure development at Edith Summerskill House, replacing the existing mono-tenure building and contributing to the range of affordable options available.

4.71 It is considered by officers that there are exceptional circumstances as the redevelopment of Watermeadow Court will directly enable the delivery of more, better quality affordable housing elsewhere in the Borough, in compliance with relevant adopted policy.

### Housing Mix

4.72 **The NPPF requires** new development to deliver sustainable, inclusive and mixed communities in accessible locations. To achieve mixed communities, the NPPF advises that a variety of housing should be provided in terms of size, type, tenure and price and also a mix of different households such as families with children, single-person households, people with disabilities, service families and older people.

4.73 **London Plan Policy 3.8** seeks to promote housing choice by supporting residential development proposals which provide a mix of unit sizes and types. **London Plan Policy 3.9** seeks to secure that communities are mixed and balanced by tenure and housing income across London.

4.74 **Core Strategy Borough Wide Strategic Policy H4 (Meeting Housing Needs)** states that, "there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services".

4.75 **DMLP Policy DM A3 (Housing Mix)** states that, "all new housing provided as part of new major development should provide a mix housing, including family housing. In respect of the social rented provisions which are relevant in the case of this submission, developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis. The policy states that where social rented housing is replacing existing social rented housing the new housing should meet the needs of the relocating tenants.

4.76 **Draft Policy HO5 (Housing Mix)** identifies the same breakdown of units for each tenure as Policy DM A3, however it adds that "The council will work with Registered Providers and other house builders to increase the supply and choice of high quality residential accommodation that meets local residents' needs and aspirations and demand for housing. In order to deliver this accommodation there should be a mix of housing types and sizes in development schemes, including family accommodation."

4.77 The following table sets out the applicants proposed housing mix:

<b>Unit type</b>	<b>Total</b>	<b>%</b>
1b2p	112	51
2b3p	9	4
2b4p	94	43
3b6p	4	2
<b>Total</b>	<b>219</b>	<b>100</b>

4.78 The Housing Register confirms that 2 bedroom properties are the highest demand among applicants in housing need. As such, it is considered that the proposals would deliver suitable social housing to meet the evidenced demand and deliver a higher proportion of two bedroomed properties

#### Mixed and Balanced Communities

4.79 Supporting Para 3.82 of Policy 3.14 and the Housing SPG 2016 state that Estate Renewal should take into account inter alia the proportion of affordable housing in the surrounding area (see Policy 3.9) and the amount of affordable housing to be provided elsewhere in the borough. The affordable housing provision in the area surrounding Watermeadow Court is set out below.

Sands End Ward	Owned Outright	Owned Mortgage	Shared Ownership	Council Rented	RSL/HA Rented	Private Rented	Rent Free
	% of households	% of households	% of households	% of households	% of households	% of households	% of households
	15.6	18.2	3.8	16.8	17.1	26.5	2
	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households	Assumed No. of households
	878	1024	214	945	962	1491	113

4.80 The table shows that of 5,627 units, there are 2,121 affordable units comprising shared ownership, council rented and RSL/HA rented units. As such the Watermeadow Court area is considered to have a mixed and balanced tenure and will continue to do so following the delivery of the proposed units in accordance with London Plan Policy 3.9.

4.81 In summary, the proposal provides a range of unit sizes which are considered to respond positively to the site characteristics and would not undermine the mix of housing type in the area. The proposed housing mix is considered to be acceptable and in accordance with the relevant planning policy.

### Housing Density

4.82 **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.

4.83 **London Plan Policy 3.4 (Optimising Housing Potential)** seeks to ensure that housing developments achieve the maximum intensity of use while taking account of local context and character, public transport accessibility and the attainment of a high quality design. Density guidance is provided in Table 3.2.

4.84 **The London Plan** (para. 2.62) highlights scope for large sites to determine their own character in terms of residential densities. **The Mayor's Housing SPG 2016** states the potential for increased densities should be positively explored and enabled on large sites and in opportunity areas.

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

4.86 **Core Strategy Policy H3**, states that the council will expect all housing development to respect the local setting and context, provide a high quality residential environment and be well designed and energy efficient. In terms of density, the council will take account of London Plan Policy 3.4, as detailed above.

4.87 **DMLP Policy DM A2** states that, in assessing the appropriate density of a housing or mixed use scheme that includes housing, the council will apply the Core Strategy and London Plan policies and guidance relating to residential density.

- 4.88 The site has a PTAL of 3 and this indicates a guideline density range of 200-450 habitable rooms per hectare. The proposed development has a density of 1,763 habitable rooms per hectare and is therefore in excess of the guideline density range as set out in the London Plan but is nevertheless considered to be an appropriate density for the site.
- 4.89 Officers note the GLA pre-application advice on the proposed density, which acknowledges the exceedance but is supportive on the basis that the proposal will optimise housing output on the site.
- 4.90 In conclusion, whilst the proposed density is higher than the recommended guide, officers consider the density is acceptable given the location of the site and the resultant acceptable quality of the residential accommodation which will optimise the delivery of housing. The proposed residential density is considered to be acceptable and would broadly accord with London Plan Policy 3.4, Core Strategy Policy H3, Local Plan Policy DM A2 and the guidance within the Mayors Housing SPG.

### Standard of Accommodation

- 4.91 **London Plan Policy 3.5** (quality and design of housing developments) requires that housing be of the highest quality. **The Housing SPG (2016)** sets out the Mayor's Housing Standards, incorporating the latest national technical standards.
- 4.92 **Table 3.3 accompanies Policy 3.5 of the London Plan** and provides minimum sizes for residential units. The unit sizes within the proposed development all meet or exceed the minimum space standards. The development is considered acceptable in this regard.
- 4.93 The proposed 219 units would all exceed the size standards required by the London Plan:

Unit type	Proposed GIA sqm	London Plan sqm	Total
1b2p	50.3	50	112
2b3p	70	70	9
2b4p	64	61	94
3b6p	129	95	4
<b>Total</b>			<b>219</b>

- 4.94 Each unit would receive good levels of daylight with good sized windows to each habitable room. Each block is efficiently designed, which is reflected in the layout of each unit. Block C would see 13 units off of a central core in excess of the 8 recommended in the Mayor's Housing SPG, however the core is well designed, large and would have 7 units to the east and 6 units to the west with a single unit opposite. The core itself has a south facing window with a secondary access on to the courtyard at ground floor level. Two lifts and a stairwell are provided. Block B would see 11 units off of a single core, however, 7 of these would be to the east and 4 to the west with ground floor entrances west and east. Officers consider that the core arrangements are acceptable.

4.95 Overall officers are satisfied that the proposal would provide an acceptable standard of accommodation for its residents.

### **Amenity Space**

4.96 **Policy 3.6 of the London Plan** requires that adequate playspace for children is required. The GLA's Shaping Neighbourhoods: Play and Informal Recreation' SPG (2012) requires the provision of play space for children within new residential development commensurate with the child yield of the development, and identifies different needs for children of different ages.

4.97 **LBHF Core Strategy Policy H3** promotes shared amenity space in large residential developments. **Core Strategy Policy OS1** seeks to ensure the provision of quality accessible and inclusive open space and children's play space, and **Policy BE1** seeks good quality public realm and landscaping.

4.98 The scheme predicts a child yield of 14 children which requires a total of 140sqm of playspace. The central courtyard will provide a multi-functional play area of 150sqm. In the nearby area are South Park, Will Parnell Playground and Sands End Adventure Playground that allow for secondary area of provision.

4.99 All the ground floor apartments will have a private terrace or garden while all units have the minimum standard private amenity space in the way of balconies. Floor to ceiling heights of 2.5m are achieved. The central courtyard provides some 800sqm of shared communal space for residents, the landscaping of which is secured by condition together with future management. The ground floor units facing onto the courtyard will have private garden areas, whilst those onto the street frontage will be provided with private amenity areas which is screened by planting.

4.100 Officers consider that the amenity and play space provided accords with the above policies and would provide a high quality of private and communal amenity for future occupants.

### **Accessibility**

4.101 **Policy 7.2 of the London Plan** requires all new development to achieve the highest standards of accessible and inclusive design.

4.102 **Policy DM A4 of the DMLP** states that car parking spaces provided on site should include the needs of blue badge holders. **DMLP Policy DM G1** and **SPD Design Policies 1 and 8** require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings.

4.103 **SPD Design Policy 1** states that buildings should be accessible and inclusive to all. It states that drawings submitted for planning approval should show external access features for detailed approval, showing how internal facilities will cater for different users and how barriers to access will be overcome, as well as showing circulation routes and explaining how accessibility will be managed when the development has come into use. **SPD Design Policy 2** refers to entrances into a building and states that any entrances to a building which are above or below



street level, or positioned to be street level, should level or the slope should not exceed a gradient of 1 in 20 from the street.

- 4.104 90% of the units have been designed to meet building regulations M4(2) and 10% have been designed to meet M4(3). The pavement at Potter's Road to the south is some 1.6m higher than Townmead Road, with the fall of the site being most clear to Watermeadow Lane where a 1:15 disabled ramp is provided, a step free secondary access is provided to Potters Road. A step free access to Block A is provided through the corridor of Block B and Watermeadow Lane. Given the site levels and constraints this level of access is acceptable.
- 4.105 An Inclusive Accessibility Management Plan, as requested by the Disability Forum, is secured and this is considered reasonable and necessary to secure appropriate accessibility as these design element evolve. Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable in accessibility terms.

## **DESIGN HERITAGE AND TOWNSCAPE**

- 4.106 **Paragraph 56 of the NPPF** states that great importance is attached to the design of the built environment. **Paragraph 58** states that planning decisions should aim to ensure that developments 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'.
- 4.107 **Paragraph 60 of the NPPF** states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'. Paragraph 63 adds that great weight should be given to outstanding or innovative designs which help raise the design more generally in the area.

- 4.108 **Paragraph 132 of the NPPF** states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the

highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

4.109 **Paragraph 133 of the NPPF** states that:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

4.110 **Paragraph 134 of the NPPF** states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. '

4.111 These paragraphs make a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.

4.112 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 133 and 134, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving the heritage asset and/or its setting.

4.113 **The Planning Practice Guidance** which accompanies the NPPF reinforce that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

4.114 Officers agreed areas for assessment and detailed viewpoint locations with the applicants. The applicant's statement submitted with the application seeks to identify the significance of surrounding heritage assets as well as assets which may be impacted on by the proposed development.

4.115 In the first instance, the assessment to be made is whether the development within the setting of a heritage asset will cause harm to that asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 133 and 134 of the NPPF as appropriate.

- 4.116 **The Planning (Listed Buildings and Conservation Areas) Act 1990** sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 4.117 It is key to the assessment of this application that the decision making process is based on the understanding of specific duties in relation to the listed buildings and conservation areas required by the relevant legislation, particularly the Section 16, 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the requirements set out in the NPPF.
- 4.118 **Section 72 of the above Act** states in relation to conservation areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. '
- 4.119 **London Plan Policy 7.1** requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.
- 4.120 **London Plan Policy 7.2** requires all new development in London to achieve the highest standards of accessible and inclusive design. **London Plan Policy 7.3** seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.
- 4.121 **London Plan Policy 7.4** states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment.'
- 4.122 **London Plan Policy 7.5** promotes public realm and requires the provision of high quality public realm that is comprehensible at a human scale.
- 4.123 **London Plan Policy 7.6** addresses architecture and states that buildings should be of the highest architectural quality which "is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials." Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality".

- 4.124 **London Plan Policy 7.8** requires that development respects affected heritage assets by being sympathetic to their form, scale, materials and architectural detail.
- 4.125 **Policy BE1 of the Core Strategy** states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.
- 4.126 With regard to tall buildings **Policy BE1** states that "Development within the Borough which includes tall buildings which are significantly higher than the generally prevailing height of buildings in the surrounding area, particularly where they have a disruptive and harmful impact on the skyline, will generally be resisted, unless it is demonstrated as part of an urban design strategy that there are townscape benefits and that there is also consistency with the council's wider regeneration objectives."
- 4.127 **Policy DM G1 of the DMLP** 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 the principles of Secured by Design."
- 4.128 **Policy DM G2 of the DMLP** 'Tall Buildings' sets out criteria for the assessment of tall building proposals in areas that have been identified in the core strategy as appropriate for tall buildings. These include that tall buildings should have an acceptable relationship to the surrounding townscape context, an acceptable impact on the skyline and locally important views, and have an acceptable impact on the setting of heritage assets. Tall buildings, which are defined as those that are "significantly higher than the general prevailing height of the surrounding townscape" should be of the highest architectural quality and contribute positively to the public realm.

- 4.129 **Policy DM G7 of the DMLP** states that the Council will 'aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'.
- 4.130 **Draft Local Plan Policy Strategic Policy SFRRRA** (South Fulham Riverside Regeneration Area) differs from the adopted **Core Strategy Policy SFR**, with new emphasis on the relationship to the existing context and states, "Proposals for the SFRRRA should: Be sensitively integrated with the existing townscape, ensuring the protection of heritage assets, and respect for the scale of the surrounding residential buildings, particularly to the north of the regeneration area. Building height can be gently stepped up toward the riverside, to provide a presence and give definition to the river frontage. There may be an opportunity for taller buildings at two key focal points at Imperial Wharf Station and Fulham Wharf."
- 4.131 **Draft Policy H04** mirrors the wording of **existing Core Strategy H03** stating that the council will expect all housing development to respect the local setting and context, provide a high quality residential environment and be well designed and energy efficient. The policy also states that new housing will be expected predominantly low to medium rise, although there is recognition that other typologies of residential development may be suitable for its context and some high density housing with limited car parking may be appropriate in locations with high levels of public transport accessibility.
- 4.132 **Draft Local Plan Policy DC1** requires all development within the borough including the regeneration areas to create a high quality urban environment that respects and enhances the townscape context and heritage assets. This should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.
- 4.133 **Draft Local Plan Policy DC2** states that new 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.
- 4.134 **Draft Local Plan Policy DC3** refers to tall buildings which are significantly higher than the general prevailing height of the surrounding townscape and which have a disruptive and harmful impact on the skyline, will be resisted by the Council.

#### Assessment

- 4.135 The demolition of Watermeadow Court is welcomed. The quality of the architecture was poor/utilitarian and in most respects it does not make a positive contribution to the character or appearance of the conservation area. It did however have a townscape quality in terms of its use of a perimeter block form that helped to define the edges of Townmead Road, Watermeadow Lane and Potters Road. At 4 storeys, its height was greater than development on the west side of Townmead Road which is mainly comprised of 2 storey, Victorian Streets.

Redevelopment of the site provides an opportunity to significantly enhance the conservation area.

- 4.136 Buildings to the east of Townmead Road were historically of a larger scale due to the industrial nature of the riverside. As the former industrial area has been redeveloped over the last 25 years, the mainly residential development taking its place has reflected that larger scale. This area is in transition and falls within the Sands End Conservation Area established to protect the setting of the Thames. Watermeadow Court was one of the early transitional developments but more recent development in the area has surpassed it in scale and residential developments have a datum of 7 storeys with some peaks rising to 9, 14 and 18 storeys nearby. This is the emerging modern context and scale within the conservation area.
- 4.137 The proposal is for a perimeter block formed from 3 linked buildings with a landscaped communal residents garden in the core. Although of different scales the blocks are unified by their composition, detailing and materials.
- 4.138 Block A is 4 stories with a set back 5th floor. The scale of the building responds to the adjacent n145 (3 storey) and avoids an abrupt jump of scale. Watermeadow Court was of 4 storeys plus pitched roof in this location so the increase to the proposed 5 storeys is not significantly different.
- 4.139 Block B is 6 stories plus a set back 7th floor. There is a jump in scale across Townmead Road from the 2 storey Victorian houses that is more abrupt. The scale responds to the modern and emerging context of larger buildings that fall to the east of Townmead Road in the Conservation Area. Officers consider this acceptable as there has always been a transition of scale along this street and it is accepted that a new character is developing on the former industrial sites. The massing of Block B is reduced by setting back the 7th floor.
- 4.140 Block C is 8 stories plus set back 9th floor. It is set back significantly from Townmead Road and in long views along Townmead Road it is visible above the adjacent tennis club. It reads as part of the modern riparian context in the conservation area and is of similar scale to the nearby Ferryman's Quay buildings that line the riverside.
- 4.141 Breaking down the proposal into 3 blocks has helped to avoid a monolithic development. Generous gaps between each building reduce its mass and permit views through to the core. It will also help the transition of scale as it steps up in sequence from Townmead Road towards the river.
- 4.142 The South Fulham Riverside Regeneration Area SPD identifies that residential plots in the Sand End Conservation Area are characterised by large plots with no clear arrangement or street pattern (often inward looking). These have done little to repair the urban environment following the decline of riverside industrial plots. The SPD states that the most appropriate built form is outward looking perimeter blocks, which provide permeability but expand or reinforce existing urban structure. The proposal adheres to the advice in the SPD and adopts a perimeter block form that will define the block edges on Townmead Road, Watermeadow Lane and Potters Road.

- 4.143 The longest facades onto Townmead Road and Potters Road have been broken down vertically to reflect the fine urban grain of the Victorian terraced housing opposite the site. Vertical slots are set into the brick facades that are deep enough to create shadow and emphasise the vertical division of what otherwise might read as horizontal blocks. The vertical stacking of windows and balconies is set out within the narrow proportions to emphasise the perception of vertical subdivision along the facades. Full height, framed and connected projecting double balconies are used in five locations on the elevations to further emphasise the verticality and break down the mass of the blocks. In particular, two of these are placed at the ends of blocks B and C to help frame the gap between the buildings and give more emphasis to the entrance lobby between the blocks. They add further visual interest to the termination of the blocks in long views up Townmead Road from the south.
- 4.144 The tops of the buildings are given clear expression through the provision of recessed floors with bronze coloured aluminium cladding with the fenestration pattern further emphasising the vertical separation of bays along the main elevations. These floors are recessed sufficiently to help reduce the impact of height and will be more visible in long views rather than in close proximity along Townmead road.
- 4.145 Block B sits at the prominent corner of Townmead Road and Watermeadow Lane and will be most noticeable when approaching from the south along Townmead Road. The importance of this corner in the local townscape is emphasised by a unique design feature whereby windows will wrap around from the Townmead Road elevation into Watermeadow Lane with a vertical stagger in the alignment on the latter elevation to provide strong visual interest.
- 4.146 The base of the buildings is emphasised by increased height. Due to the location in the floodplain, the ground floor of the buildings has to be set 400m higher than Townmead Road. Blocks A and B and the entrance between them are therefore elevated above pavement level. Block A has a communal landscaped strip above brick dwarf wall and block B has individual front entrances up steps from the street running through the landscaped area. Ground floor flats in Blocks B have the option to enter through private front doors into the development as well as through the internal corridor. Officers insisted on this option to increase activity along the edge of the street. Flats on the Potters Road side also have the option of using private entrances through individual landscaped gardens. The dwarf brick walls will provide a strong visual plinth for the building and contain high quality soft landscaping maintained by the estate. This will significantly green and enhance the appearance of the streets on all three edges of the building.
- 4.147 The main material for the buildings is brick with panels of profiled brick flanking some windows to provide more texture, depth, shadow and visual emphasis. Balconies are clad in metal to provide contrast to the brickwork and coordinate with the cladding panels on the top floors. The palette of materials is considered to be of high quality and suitable to the location.
- 4.148 This is a high quality development in terms of its form, scale, massing, layout, detailing, materiality, landscaping and relationship to existing development. It is compliant with DMLP Policy DM G1.

- 4.149 In considering the impact on Sands End Conservation Area, officers have been mindful of the relative significance of the conservation area as a whole and the reasons the conservation area was adopted by LBHF. Impacts on views from the surrounding townscape have been assessed through agreed visual studies and would be largely negligible, with no significant adverse effects as a result of the proposed development on the conservation area. Officers consider that the proposal would lead to no harm to the significance of Sands End Conservation Area.
- 4.150 The architectural quality of the development will enhance the appearance of the Sands End Conservation Area and strengthen its character by bolstering the block character, providing more definition for street edges and providing a scale compatible with the modern emerging post industrial character. It is therefore compliant with DMLP Policy DM G7
- 4.151 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.
- 4.152 As such officers have considered the proposed development against the development plan and consider that the proposals would be in accordance with Core Strategy Policies BE1, H03 and SFR, DMLP Policies DM G1, DM G2 and DM G7, Draft Local Plan Policy Strategic Policy SFRRA, Draft Local Plan Policies H04, DC1, DC2 and DC3, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8 and the NPPF.

## **AMENITY IMPACTS**

### **Daylight and Sunlight**

- 4.153 **Policy 7.6 of the London Plan** states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind, and microclimate. **Policy 7.7** adds that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation, and telecommunication interference.
- 4.154 There are no policies specifically about daylight, sunlight or overshadowing either within the DMLP or Core Strategy. **Policy DM G1** refers to impact generally and the principles of 'good neighbourliness'. **SPD Housing Policy 8** requires amenity of neighbouring occupiers to be protected.
- 4.155 **The Mayor's Housing SPG** is focused upon residential development, however it does also provide relevant additional commentary and guidance on the London Plan position with regard to sunlight, daylight and overshadowing, in particular with reference to London Plan Policy 7.6. This guidance states that an appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties as well as within new developments themselves.



## Daylight

- 4.156 The assessment has been carried out in accordance with BRE methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method and the plotting of the no-sky line method (NSL). The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme.
- 4.157 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. An unobstructed window will achieve a maximum level of 40%. A good level of daylight is considered to be 27%. Daylight will be affected if after a development the VSC is both less than 27% and less than 80% of its former value.
- 4.158 The plotting of the NSL measures the distribution of daylight within a room. The NSL indicates the area within a room where the sky cannot be seen through the window due to the presence of an obstructing building. For residential purposes the point at which this is measured is 0.85m above floor level. This is approximately the height of a kitchen work surface. Daylight will be adversely affected if after the development the area receiving direct daylight is less than 80% of its former value.
- 4.159 The BRE document also refers in Appendix C to other interior daylighting recommendations, in particular the British Standard for daylighting. This uses three main criteria, the Average Daylight Factor (ADF), the depth of the room and the position of the no-sky line. Even if the amount of daylight in a room (given by the average daylight factor) is sufficient, the overall experience of daylight will be impaired if its distribution is poor.
- 4.160 It is considered that the most appropriate approach to the assessment of the impact upon daylight to existing dwellings is to consider different methods of assessing how well a room may be lit.

## Sunlight

- 4.161 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room facing 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more. Windows facing 90 degrees of due north need not be tested as they have no expectation of sunlight.

4.162 Guidelines should be applied sensitively to higher density development especially in opportunity areas, town centres, large sites and accessible locations where BRE advice suggests considering the use of alternative targets.

4.163 This mirrors the advice with the BRE guidance itself, which states that the advice is not a set of rules to be rigidly applied and should be interpreted flexibly and in particular in city centre and urban locations. The BRE guidance is for application to the UK as a whole, the majority of which is not an urban town centre, and as such the guidance is based on an 'ideal' suburban situation

4.164 Daylight, sunlight and overshadowing impacts to neighbouring properties are assessed within Chapter 11 of the ES. Several sensitive receptors are identified:

- 1-12 Imperial Crescent
- 46-48 Glenrosa Street
- 44 Glenrosa Street
- 136-160 Townmead Road (evens)
- Arcadian House
- 26 Byam Street
- 145-155 Townmead Road (odds)
- Greensward House

4.165 In addition, the following commercial properties are identified as being sensitive receptors:

- St Michaels Youth Club
- Ouayside Lodge
- Chelsea Harbour Club Watermeadow Lane

4.166 The following external amenity areas have also been considered:

- Imperial Park
- Thames Path
- River Thames

#### Baseline

4.167 For daylight 424 rooms were assessed, 274 have a baseline that is equal to or greater than the 27% recommended within the BRE guidance. 168 of the 186 rooms (90%) of the rooms assessed have a daylight contribution to at least 80% of the total room area. With regard to sunlight, of the 349 windows assessed, 81% meet the BRE guidance for sunlight in the baseline

4.168 The baseline survey therefore indicates relatively low levels of BRE compliance for daylight and sunlight in the baseline, which is reflective of the location of the Site.

4.169 The baseline for overshadowing shows that on March 21st and December 21st, shadow is cast from the existing site however, the buildings to the north and east prevent the shadow reaching the three amenity areas; Imperial Park, Thames Path and the River Thames. On June 21<sup>st</sup> there are minimal shadows cast from

the existing site and the three amenity areas remain unaffected by shadow from the existing buildings.

#### Assessment

- 4.170 In terms of daylight, the assessment finds that 65% of the 424 windows assessed will meet the BRE criteria for VSC and 80% of the 186 rooms assessed will meet BRE criteria for NSL guidance. The daylight and sunlight assessment for the proposal shows that for the majority of properties considered to be sensitive, adequate levels of daylight will be retained. In respect of these properties it is considered the development would not result in an impact sufficiently harmful to residential amenities.
- 4.171 For sunlight, the results indicate that 76% of the 349 windows assessed will meet the BRE criteria for both winter and total APSH. Of the 11 properties surveyed, the assessment finds that the impact to sunlight is considered to be of negligible significance. In respect of these properties it is considered the development would not result in an impact sufficiently harmful to the residential amenities.
- 4.172 The assessment of overshadowing concludes that the proposal would have a 'minor adverse effect' on certain amenity areas surrounding the site. The amenity spaces in the surrounding area are already overshadowed by the surrounding context. As such it is considered there will be no harmful change to the baseline overshadowing conditions.
- 4.173 The assessment identifies potential daylight and sunlight effects to principally predicted to occur at Nos.140-158 (evens) Townmead Road. Although the impacts are greater than the suggested target, the retained values remain high for the urban context. The assessment also assumes the first-floor windows would serve a bedroom which would also be considered less sensitive.
- 4.174 140 Townmead Road – one side of the three paned bay window at ground floor level experiences a reduction from the existing VSC value with a retained value of 14.6%. The two other panes including the front pane though have retained levels of light that either adhere to the Guidance or have minor reductions with retained levels of 25.8% VSC and 21.6% VSC. It is therefore considered that there is no harmful impact to this ground floor room. Similarly, with regards to a first floor bay window a side pane experiences a reduction from the existing value with a retained value of 17.2%. Again, the other two windows to this bay retain VSC values of 27% and 23% VSC and it is therefore considered that the effect of the development on the daylight to this room to be acceptable. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. Both rooms meet the NSL daylight distribution criteria.
- 4.175 142 Townmead Road - at ground floor level, there is a reduction to one pane of a three paned bay window with a retained value of 14.4% VSC. The remaining two panes for this bay retain VSC values of between 20.1% and 22.9% VSC. At first floor level, two panes of the bay window will retain VSC values of 17.1% and 19.7% VSC with the remaining pane of the bay retaining 21% VSC. With respect to NSL daylight distribution, the ground floor room will retain 78% of the daylight distribution and the first floor room retains 86% of the daylight distribution. It is

therefore considered the development will have no harmful impact on the daylight to these rooms.

- 4.176 144 Townmead Road – a ground floor three paned window would experience reductions from the existing VSC values. Typically, the retained values are between 21.3% VSC and 11.5% VSC which is important when considering the overall impacts because the larger reduction, to one pane has to be considered in the context of the higher retained value of the two other panes, which serve the same room. At first floor the assessment shows the three paned bay window having reductions from the existing VSC values. Although the reductions are beyond those suggested within the BRE Guidance, the retained daylight values to the three panes are between 14.2% and 23.4% VSC. In terms of the NSL, measuring the daylight distribution within a room, the results demonstrate that there is some impact to the first floor and a reduction of 21% from the existing value for the ground floor room, with retained values of between 78% and 91%. For APSH, both bay windows would see a reduction, however both would be commensurate with the location. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.177 146 Townmead Road– The ground floor level bay window will have , reductions to the VSC with retained values of between 17.8% and 12.3%. Again, the average retained VSC values would be that which are commensurate with the wider urban context. With respect to the first floor bay window, there are reductions from the existing VSC values however, when one considers the retained values of between 14.8% and 20.1% VSC they are greater than those typically found within the greater wider context. In terms of the NSL there are reductions from the existing values, however this is in the context of the retained VSC values and 65% and 80% of the room area having visibility of the sky. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.178 148 Townmead Road – The assessment shows reductions to the existing VSC values for the ground floor bay window with retained values of between 16.2% and 14.2% VSC. For the first floor bay window the assessment shows retained values of between 21.5% and 17.3% VSC. As with other properties in the terrace the average retained VSC values would be that which are commensurate with the wider urban context. In terms of the NSL the retained values remain between 65% and 80% of the room having sky visibility. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.179 150 Townmead Road- The assessment shows reductions to the existing VSC values for the ground floor bay window with retained values of between 13% and 15.5% VSC. Although there are reductions to the VSC, which would be just below the commensurate values for a dense urban location, the room does benefit from having a high percentage of glazed area to the overall room volume which helps to mitigate the lower VSC values. With respect to the first-floor room, the assessment indicates reductions in VSC with retained levels of between 17.8% and 14.9% VSC. With respect to NSL the ground floor room has a retained value of 48% to the NSL/ daylight distribution area and the first-floor room has a

retained value of 74%. On balance the impact to these rooms is acknowledged but It considered the impact is not harmful enough to justify refusal of the application on this basis.

- 4.180 152 Townmead Road - The assessment shows reductions to the existing VSC values for the ground floor bay window with retained VSC levels of between 12.8% and 16.7% VSC. At first floor level, the retained levels are between 15.8% and 19.7% VSC. The rooms have a high degree of glazing, which will help mitigate the loss of light to these rooms. With regard to NSL, the ground floor room will retain 55% of the room covered by the NSL commensurate with the urban context and 91% at first floor. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.181 154 Townmead Road - The assessment shows reductions to the existing VSC values for the ground floor bay window with retained values of between 14.5% VSC and 17.5% VSC. The ground floor room has a reduction to the NSL while the first-floor room remains fully adherent to the BRE Guidance. The retained value of 53% for the ground floor room in the proposed condition would be commensurate with the urban context. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.182 156 Townmead Road - The assessment shows reductions to the existing VSC values for the ground floor bay window with retained levels of between 14.3% VSC and 17.3% VSC. At first floor level the retained values are within the region of 17.6% to 20.8% VSC. The NSL analysis shows full adherence to the BRE Guide at first floor level and at ground floor level there is a reduction, with retained values are around 70% of the floor area. For APSH, both bay windows would see a reduction, however both would remain BRE compliant. It is therefore considered the development will have no harmful impact on the daylight to these rooms.
- 4.183 158 Townmead Road - The VSC analysis for this property shows retained VSC of between 12.5% and 15.6% VSC. At first floor level the retained values are between 18.2% and 21.8% VSC. With regard to the NSL, the ground floor room will retain a value of 50% and the first floor room would experience a retained value of 57%. For ASPH, both rooms would retain in excess of 19%, which is considered commensurate with the setting. On balance the impact to these rooms is acknowledged but It considered the impact is not harmful enough to justify refusal of the application on this basis.
- 4.184 Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing within the assessment carried out under BRE guidelines and with reference to the context of the location.

## Noise

- 4.185 **London Plan Policy 7.15** 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes';

- 4.186 **DMLP Policy DM H9** advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity.
- 4.187 No objection is raised by the Council's Noise and Nuisance officers to the proposed development or land uses. The submitted Construction Management Plan is acceptable. The acoustic report by ARUP demonstrates that the internal noise criteria of BS8233:2014 can be met by means of enhanced glazing and mechanical ventilation. Due to the plant proposed at the development and we would require a detailed assessment of the noise levels of any plant in accordance with BS4142:2014.
- 4.188 Given the layout of the dwellings and the location of the proposed plant and lifts I would recommend that the sound insulation is enhanced above the building regulations requirement where necessary.
- 4.189 The proposal is therefore considered to accord with Policy 7.15 of the London Plan and Policy DM H9 of the DMLP.

### **Microclimate**

- 4.190 **London Plan Policy 5.3** Sustainable Design and Construction states that development should meet sustainable design principles including ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions.
- 4.191 **London Plan Policy 7.6** requires that new development does not cause unacceptable harm to the amenity of surrounding land and buildings, including through microclimate impacts and **Policy 7.7** requires that the area surrounding tall buildings is not detrimentally affected in terms of microclimate and wind turbulence.
- 4.192 **DMLP Policy DM G2** states that any proposal involving tall buildings will need to demonstrate that it does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage, and vehicle movements.
- 4.193 Chapter 10 of the ES assesses the effects of wind microclimate as a result of the proposal. This concludes that ground level conditions are acceptable. thoroughfare locations at ground level are expected to range from acceptable for sitting to strolling uses. This is acceptable given the intended pedestrian use. The central courtyard area would have suitable sitting conditions during the summer and no mitigation is required.
- 4.194 The upper amenity spaces for the three blocks would have acceptable sitting conditions during the summer, although standing conditions would be windier this can be adequately mitigated by solid balustrades or landscaping to the balconies which is secured by condition.

4.195 As such officers consider that the proposed development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings. The proposal is therefore considered to comply with Policies 5.3, 7.6 and 7.7 of the London Plan and Policy DM G2 of the DMLP.

## **HIGHWAYS AND PARKING**

4.196 **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.

4.197 **London Plan Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.12 and 6.13** 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.

4.198 **Core Strategy Policy T1** supports The London Plan, **Policy CC3** requires sustainable waste management. **DMLP Policy DM J1** states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. **DMLP Policies DM J2** set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. **DMLP Policy J5** seeks to increase opportunities for cycling and walking. **DMLP Policy DM A9** requires residential developments to achieve a high level of design including the Provision of waste and recycling storage facilities;

4.199 **Core Strategy Policy CC3** seeks to ensure that the Council 'pursue waste management' facilities within new development, notably through means of 'ensuring that all developments proposed suitable waste and recycling storage facilities'. **SPD Transport Policy 34** seeks off-street servicing for all new developments.

4.200 **Emerging Draft Local Plan Policy T2** relates to transport assessments and travel plans and states "All development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network"

4.201 **Emerging Draft Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics.

### Site Accessibility

4.202 The application site falls within a location which has a PTAL of 3 which is classed as moderate using Transport for London's methodology. All public transport modes in London currently available which include National Rail, London Overground and buses, which are within walking distance of the application site.

## Car Parking

- 4.203 The applicant has stated that a basement level car park is to be provided at a ratio of 0.33 spaces per unit. This is within the maximum 0.5 ratio set out in the council's South Fulham Riverside SPD. This equates to a total of 72 car parking spaces, 5 of which are accessible bays and 3 flexible spaces which are available if demand grows.
- 4.204 The basement plans currently show 5 accessible parking spaces which could be expanded to 8 which would be 10% of the total number of spaces and this should provide 10% of parking for accessible blue badge spaces in accordance with standard 18 of the Mayor's Housing SPG Which states, 'Each designated wheelchair accessible dwelling should have a car parking space that complies with Part M4 (3).' The applicant should provide a minimum of 22 car parking spaces which are accessible for blue badge holders and it is considered reasonable to secure this by way of condition.

## Access

- 4.205 Access to the basement level car park is via two vehicular lifts. Each lift has the capability to undertake 40 movements per hour, which is adequate when taking the submitted trip generation data in to account and should minimize waiting times from vehicles entering or departing the site.
- 4.206 It has been noted that the applicant is proposing headroom of 2.1m which is not acceptable. Headroom should be a minimum of 2.3m for cars and at least 2.6m for larger delivery vans and 5m for refuse lorries. Other than headroom the lift should have dimensions of 3.6m x 4.8m which the applicant has not clarified.
- 4.207 The applicant should also ensure that there is headroom within the car park of 2.6m. This clearance should be from the floor to the ceiling accounting for hanging objects such as lighting and pipes.
- 4.208 The applicant should submit plans and details regarding the dimensions of the vehicular lift and headroom of the car park in accordance with a scheme to be submitted by condition.

## Electric Vehicle Charging Points

- 4.209 The applicant has stated that 20% of parking spaces will have active provision and a further 20% for passive provision for future use which in accordance with Policy 6.13 of the London Plan. This is secured by condition.

## Motorcycle Parking

- 4.210 The provision of 4 motorcycle parking spaces is welcomed. All public transport modes in London currently available.



## Cycle Parking

4.211 The applicant has stated that a total of 332 secure cycle parking spaces will be provided within the application site. The comprises of 236 long-stay spaces, which will be stored at basement level and accessed via the vehicular lift via Potters Road. An additional 6 short stay spaces will be stored at ground floor level for visitors which is in accordance with Policy 6.9 of the London Plan for the proposed development. This provision is secured by way of condition.

## Construction Logistics Plan (CLP)

4.212 A CLP has been submitted with proposed access and egress routes to the application site from A4 and A3 respectively. Access for construction traffic will be from Potters Road manned by a trained banksman. Deliveries are to be taken using a booking system in order to prevent botte necks and overhanging on Watermeadow Lane. Further details include the temporary redirection of pedestrians along Townmead Road to the opposite footway, temporary suspension of parking bays on Watermeadow Lane and Potters Road in order for loading and unloading of materials, no parking provision for construction staff or operatives.

## Deliveries and Servicing

4.213 This is best achieved by securing a Servicing and Delivery Plan in accordance with Transport for London's Delivery and Service Plan Guidance and should specifically reference this issue. It should also address all the other delivery and servicing needs of the development.

4.214 The applicant has provided a Servicing and Delivery Plan (Appendix G of TA). It has been stated that an estimated 12 trips a day to the application site will be associated with servicing and delivery. Servicing and deliveries are to take place within permitted and appropriate locations on Townmead Road, Watermeadow Road and Potters Road.

4.215 Loading and unloading is permitted on parking bays and yellow lines for up to 20 minutes, if safe to do so. Small scale deliveries will be managed by on-site reception staff or directly with residents. After reviewing the Servicing and Delivery Plan, officers are satisfied that the delivery operations on the site will not have a severe impact on the local highway network and that compliance with this document can be secured by condition.

## Trip Generation/ Modal Split

4.216 The information submitted regarding the predicted modal split is satisfactory and has been agreed with officers.

4.217 Raw modal split data from the 2011 census has then been applied to the total person trips, to determine how many trips are likely to be undertaken by each mode. The results are presented in the below.

**Table 5.3: Multi-Modal Trip Generation**

Travel Mode	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arr	Dep	Tot	Arr	Dep	Tot
Underground/ Rail	10	48	57	33	19	52
Bus	3	17	20	12	7	19
Taxi	0	1	1	1	0	1
Motorcycle	1	4	4	3	1	4
Car Driver	3	15	18	10	6	16
Car Passenger	0	1	1	1	0	1
Bicycle	2	8	10	6	3	9
On Foot	3	13	16	9	5	14
<b>Total</b>	<b>20</b>	<b>98</b>	<b>118</b>	<b>68</b>	<b>40</b>	<b>107</b>

### Travel Plan

- 4.218 Officers are satisfied with the content of the submitted Travel Plan. It is noted that within the TA a Travel Plan Coordinator is to be appointed for this site. It should be ensured that this is carried out and the Travel Plan actively monitored and maintained for a minimum of 5 years. This is secured by way of the s106 legal agreement.
- 4.219 The modal split for the application site is acceptable as set out within the Travel Plan (Table 3.1- Modal Split Data for the Sands End Ward).

### Refuse and Recycling

- 4.220 The applicant has provided details required for suitable facilities for storage and collection of segregated waste. Refuse collection is to take place on Potters Road and bins transported from the basement car park via the vehicular lift. The temporary storage on Potters Road is private land and therefore acceptable. The information submitted is satisfactory and in accordance with DMLP Policy DM A9 and compliance with this document is secured by way of condition.

### Highway Works

- 4.221 The proposed alterations to the public highway such as re-instating kerbs along Potters Road should be completed under a s278 agreement. The footway is not in desirable condition and is likely to be damaged during construction. When re-instating redundant crossovers, the footway should be repaved. These works are also to be completed under a s278 agreement, the submission of which is secured by way of the s106 legal agreement
- 4.222 The footway around the application site along Townmead Road, Watermeadow Lane and Potters Road should be re-paved in accordance with a scheme to be submitted to and approved by the local authority.
- 4.223 Officers consider that the proposal would provide a suitable level of car parking provision and would see a significant improvement in cycle provision with access and trip generation being considered acceptable. Submitted documents in relation to servicing, deliveries and construction are considered acceptable. public highway works are to be secured through the submission of a s278

agreement required by the s106 agreement. The proposal is therefore considered to accord with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1 and CC3 of the Hammersmith and Fulham Core Strategy (2011) and Policies DM A9 DM J1, DM J2 and DM J5 of the Hammersmith and Fulham Development Management Local Plan (July 2013).

## **CRIME PREVENTION**

- 4.224 **Policy 7.3 of the London Plan** advises that new development should seek to create safe, secure and appropriately accessible environments.
- 4.225 **Core Strategy Policy BE1** advises that developments throughout the borough should be designed to enhance community safety and minimise the opportunities for crime. **DMLP Policy DM A9** refers to a safe and secure environment whilst **Policy DM G1** requires new development to respect the principles of Secure by Design.
- 4.226 The central courtyard will benefit from a large amount of active and passive surveillance due to the nature of the surrounding built form with private amenity spaces at both ground and above ground level. The street edge onto Townmead Road and Potters Road provides direct access to the units with further reception areas onto Watermeadow Lane, providing activity and surveillance. Lighting and CCTV is provided throughout the development.
- 4.227 The development will also be required to achieve Secure by Design accreditation by condition. As such officers consider that the proposal has complied with the requirements of adopted policy and is acceptable subject to securing the required accreditation.

## **ECONOMIC CONSIDERATIONS**

- 4.228 A key consideration **within the NPPF** is the desire to secure economic growth in order to create jobs and prosperity along with securing the wellbeing of communities.
- 4.229 **Policy 4.12 of the London Plan** and **Core Strategy Policy LE1** both require strategic development proposals to support local employment, skills development and training initiatives.
- 4.230 **Core Strategy Policy OS1** requires the protection of parks and open spaces as well as the provision of public and private open spaces including playspace within new developments.
- 4.231 **DMLP Policy DM B3** states the council will seek appropriate employment and training initiatives for local people of all abilities in the construction of major developments.
- 4.232 **Emerging Draft Local Plan Policies E1 and E2** relate to the provision of a range of employment uses and the retention of land and premises capable of providing accommodation for employment or local services. **Emerging Draft Local Plan Policy E4** relates to Local Employment, Training and Skills

Development Initiatives and requires the provision of appropriate employment and training initiatives.

- 4.233 Socioeconomic impacts are assessed in Chapter 6 of the ES. The proposal has a construction period of 42 months and is estimated to generate some 164 net jobs per annum. Once occupied the dwellings will contribute to the council's housing target and will provide a minor benefit to the local economy through the residents.
- 4.234 It is assessed that the proposal will have a limited impact on local education, which shows a surplus capacity within 2km of the site at primary school level. A surplus capacity is also identified at secondary level at 5.1km which will provide sufficient places for the proposed 219 residents. Healthcare would be impacted to a limited degree with healthcare facilities within 1km of the site having a worse than standard ratio of GPs to patients. The proposal will provide 150sqm of children's playspace on site and will there meet the GLA requirements, representing a negligible impact on local provision.
- 4.235 To ensure that local people can access employment during construction, the council is keen to set in place mechanisms that produce tangible benefits to local residents which will be secured in the s106 agreement. It is therefore considered that arising from employment and training initiatives the proposal has the potential to bring significant benefits to the local area. In this regard officers consider that the proposal is not contrary to the development plan as a whole and that there are no material considerations which indicate why planning permission should be withheld.
- 4.236 The proposal is therefore considered to accord with aspirations of the NPPF, Policies 4.12 of the London Plan, Core Strategy Policies LE1 and OS1, Policy DM B3 of the DMLP and Draft Local Plan Policies E1, E2 and E4.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Sustainability and Energy**

- 4.237 **As required by the NPPF**, the application proposes to incorporate design features in order to reduce on-site carbon emissions through the implementation of energy efficiency and low carbon energy generation technologies. Wider sustainability measures are also planned to help reduce resource use, minimise waste generation and mitigate pollution impacts.
- 4.238 The proposal has been considered against **Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan and Policies CC1 and CC2 of the Core Strategy** which promote sustainable design, adaption to climate change and carbon emissions reductions, together with **DMLP Policies DM H1 and DM H2**.
- 4.239 **SPD Sustainability Policy 25** requires major planning applications to provide details of how use of resources will be minimised during construction and **Policy 29** requires submission of a detailed energy assessment.
- 4.240 As required, a Sustainability Statement has been provided with the application. In terms of sustainable design and construction, the new development has been

designed with reference to the Mayor's Sustainable Design and Construction SPG. This contains a number of priority and best practice measures on issues such as land use, site layout, building design, use of resources such as energy, water and building materials, promoting nature and biodiversity, managing flood risk and pollution impacts and inclusion of climate change adaptation measures.

4.241 Officers consider that the development meets the requirements of the London Plan Policy 5.2 and DMLP Policy DM H2 and follows the GLA's guidance closely, implementing measures wherever possible to provide a high level of sustainability. Measures include the following: re-using previously developed land, car free development, encourages cycle use by providing cycle parking, provides recycling facilities, including water efficiency measures and sustainable energy measures to reduce CO2 emissions, use of sustainable building materials including timber, tree planting that increases biodiversity, flood risk minimisation measures and noise and air quality mitigation measures. In broad terms, - subject to further comments on specialist areas that have been assessed in more detail - the approach to sustainability is acceptable.

#### Energy

4.242 As required, an Energy Assessment has been provided with the application. As the scheme is a major residential development, the development is required to comply with the London Plan's zero carbon requirement. The Energy Assessment calculates that annual CO2 emissions for the residential units would be 256 tonnes if they were designed and built to meet the Building Regulation requirements. The building has been designed in the first instance to reduce energy demand by using passive measures such as natural daylight and solar gain. Well insulated building components are proposed which will be designed and built to a higher airtightness standard than the minimum required by the Building Regulations. High efficiency LED lighting is to be used throughout. Areas such as corridors, storage and others with low occupancy will be fitted with sensors to keep lighting use to a minimum.

4.243 Energy demand reduction measures reduce CO2 emissions by 13% (34 tonnes), compared to the baseline. In terms of the main heating and energy system that will be used, the site is not in a location where a connection to an existing heat network can be made at the moment, although in the future a network may be developed in the borough. Should a district heating system be installed near to the site in the future, plant space can be made available to link the development to the network.

4.244 Provisions will be made to enable the future connection. Communal heating is proposed for the development in a combined system using heat pumps and gas boilers to provide heating and hot water. This system reduces annual CO2 emissions slightly (by 1 tonne) but greater savings are provided by the planned renewable energy generation on-site which will include solar PV panels on the roof of each block. These are estimated to provide an additional saving of 19 tonnes of CO2 a year (8%). In total, the energy efficiency measures and the heat pumps/communal heating system, and PV panels are calculated to reduce CO2 emissions by 54 tonnes (21%).

- 4.245 Therefore, the London Plan target has not been met through the integration of on-site measures and it is necessary for the shortfall to be made up via a payment in lieu. Officers calculate this to be £363,600 which would need to be included in the s106 Agreement. This is higher than the £317,940 stated in the Energy Assessment due to the assessment of energy and associated CO2 emissions has included separate assessment of residential aspects of the development and what is classified as "non-domestic" aspects. These include communal corridors and support spaces. Officers consider that, for a major residential scheme, there is no need or requirement to assess communal areas separately, or to apply a different CO2 reduction target. The whole site is residential in nature, so the zero carbon requirement should apply site wide.
- 4.246 Notwithstanding this point, the CO2 reduction proposals meet the requirements of London Plan Policy 5.2 and Local Plan requirements which are in line with the London Plan, although the targets can only be met with the use of a carbon offset payment to supplement the on-site measures. However, this approach is acceptable. A condition securing the implementation of the carbon reduction measures as outlined and include the carbon payment in the s106 Agreement.
- 4.247 Subject to the inclusion of a condition requiring the implementation of the submitted documents as set out above and the inclusion of the carbon payment in the s106 agreement, officers therefore consider that the proposed development accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan, Policies CC1 and CC2 of the Core Strategy, Policies DM H1 and H2 of the DMLP and Sustainability Policy 25 and Policy 29.

### **Flood Risk and Drainage**

- 4.248 **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.
- 4.249 **London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15** require new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.
- 4.250 **Core Strategy Policy CC1** requires that new development is designed to take account of increasing risks of flooding. **Core Strategy 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.
- 4.251 **DMLP 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) where feasible and also the use of water efficient fittings and appliances. **SPD Sustainability Policies 1 and 2.**

Flood Risk

- 4.252 The site is in the Environment Agency's Flood Zone 3 and as required, a Flood Risk Assessment (FRA) has been provided with the application. The site is well protected from flood risk from the River Thames by the existing defences such as the Thames Barrier and local river walls. In the event of these failing or being breached, the site is not in danger of being impacted by flood water. Flood risk from the Thames is therefore considered to be low.
- 4.253 Surface water flood risk is also low as the site is not in a surface water flooding hotspot. Sewer flood risk could be an issue for the development as there is a basement level planned, and depending on its design, there could be potential routes for backflow of sewer water into the site. However, the FRA confirms that non-return valves (in the absence of pumped discharge) should be installed on the final connections from the proposed development to public sewers, to prevent backflow from sewers entering the basement or building.
- 4.254 In terms of water-proofing of the basement, the FRA notes that the basement design will include appropriate waterproofing measures. Some further details are provided in the Basement Construction Method Statement which notes that a drained cavity with an internal blockwork wall is proposed to be constructed adjacent to the secant pile wall although it is also noted that alternative methods may also be considered. As this aspect of the proposal is still to be finalised, including water-proofing measures, this is an issue officers consider that a condition requiring further information to be submitted to confirm the proposed measures. The FRA notes that the finished floor level of the proposed building is set more than 300mm above the 1 in 100 year flood level. This is adequate to help protect the ground floor uses against potential flood risks. The FRA is acceptable, subject to further details being provided by way of condition on the basement waterproofing measures and the flood proofing measures.

#### Drainage

- 4.255 The Surface Water Drainage Strategy is included in the Flood Risk Assessment.
- 4.256 Some assessment of the current surface water discharge rates and greenfield run-off rates estimated for the site, however there appear to be inconsistencies in the assessment and despite the council's and Thames Water's advice of reducing final discharges to greenfield run-off rates, this has not been demonstrated in the Strategy. The aim of the Strategy appears to be to aim for the absolute minimum acceptable attenuation improvement of 50%. This could be accepted if there are no prospects of achieving higher levels of attenuation, but we would expect to see a better level of performance than this on a new build site, particularly one where the council is involved in the redevelopment of a site.
- 4.257 Estimated greenfield run-off rates for the site have been calculated as being around 1-2l/s for a range of storm scenarios. The existing run-off rate at the site is estimated as being 50.4l/s for a 1 in 30 year storm event. Reference is made to the 1 in 100 year storm, but no calculations or information are provided for this scenario, seemingly on the basis that such a storm is a low probability. Nevertheless, it is also stated that during such a storm there would be no on-site flooding. This is not demonstrated in the Strategy though.

- 4.258 SuDS solutions proposed for the site include blue roofs on all three residential blocks and a green roof included in the soft-landscaped courtyard over the basement podium slab. Flow control devices will also be included on downstream pipework where possible to provide a final restriction to the total site discharge connection/s. Discharges from the blue roofs would be a total of 2l/s per roof (4 outfalls with discharges of 0.5l/s each). The remaining site area includes the roofs over the two foyer entrances from Townmead Road and Watermeadow Lane, other lower level roofs which are generally outdoor terraces for apartments, and minor soft landscaping along all perimeter roads. It is stated in the FRA that further attenuation for these area will be investigated in the following design stage.
- 4.259 The planned SuDS measures are stated as being capable of achieving a reduction in peak discharge rate of 50% from existing conditions. This is the bare minimum level of attenuation that the SuDS Strategy should be seeking to achieve though and further consideration of implementing additional measures is required. For example, consideration would need to be given to collecting rainwater for re-use, as this has not been assessed for inclusion at this stage. Also, in line with the guidance provided by both the council and Thames Water greater effort needs to be placed on aiming to maximise the amount of attenuation to be achieved through the implementation of a range of SuDS measures where possible, achieving greenfield run-off rates for the final discharge of surface water where possible. The FRA notes that there is a surface water drain that could be used to direct surface water directly into the River Thames, so this option needs to be assessed and included where possible.
- 4.260 As such a condition is proposed to secure the submission of a Surface Water Drainage Strategy which shows how Sustainable Drainage Systems (SuDS) will be designed into the development, in line with the requirements of the London Plan Drainage Hierarchy to maximise the levels of storm water attenuation and reduce final discharges of surface water to greenfield rates where feasible.
- 4.261 Subject to the submission of details by way of condition of further details being provided on the basement waterproofing measures and the flood proofing measures to be implemented as well as a Surface Water Drainage Strategy officer's consider that the proposed development would therefore be acceptable in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of the London Plan, policy requiring flood risk assessment and development to mitigate flood risk, Policies CC1 and CC2 of the LBHF Core Strategy which requires development to minimise future flood risk and Policy DM H3 of the LBHF DMLP together with SPS Sustainability Policies 1 and 2.

### **Ecology and Trees**

- 4.262 **The NPPF, at section 11**, states that when determining planning applications authorities should aim to conserve and enhance biodiversity.
- 4.263 **Policy 5.11 of the London Plan** supports the provision of green roofs within new development as a way of enhancing habitat diversity within London. **Policy 7.19** seeks the enhancement of London wide biodiversity and states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. **London Plan Policy**



**7.21** seeks the retention of existing trees of value with new development, and their replacement when lost.

4.264 **Core Strategy Policy OS1** states that the Council's objective to protect and enhance biodiversity in the Borough.

4.265 **DMLP Policy DM E1** sets out the objective the enhance existing open space and that development on open space not identified within the Core Strategy should be refused where that land either on its own or cumulatively contributes to local biodiversity unless:

“the proposed development would release a site for built development needed to realise a qualitative gain for the local community in pursuance of other physical, social and economic objectives of the Core Strategy and provision is made for replacement of open space of equal or greater value elsewhere”

4.266 **DMLP Policy DM E4** states that the Council will seek to enhance biodiversity and green infrastructure in the borough by maximising and protecting garden space, soft landscaping, green roofs, and other planting within new development together with seeking to prevent removal of or mutilation of protected trees and seeking retention of existing trees and provision of new trees on development sites.

4.267 The proposal in its present form leads to the remove of three existing low quality trees. No trees beyond the site boundary will be removed, although they will be within the construction area and as such are protected by condition during this phase.

4.268 The ES identifies features potentially suitable for roosting bats within the two existing buildings. Following further assessment and bat surveys identified that the larger southern building is used as a roost by a low number of soprano pipistrelle bats, although no bats were recorded entering or leaving the smaller building. Subject to works progressing according to the required Natural England licence the overall ecological impacts to the local bat population are assessed as negligible and non-significant. A site specific CEMP is proposed to be secured which will control the impacts of the construction, it should be noted that demolition of the existing site already benefits from planning permission and does not form part of this application.

4.269 The existing value of the habitat is extremely limited and can be appropriately enhanced by way of the landscaping details to be submitted. As such the proposal is considered to be in accordance with the NPPF, London Policies 5.11 and 7.19, Core Strategy Policy OS1, DMLP Policies DM E1, DM E3 and DM E4.

### **Land Contamination**

4.270 **National Planning Policy Framework paragraph 121** states planning decisions should ensure that the sites is suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.

- 4.271 **Policy 5.21 of the London Plan** states the support for the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development.
- 4.272 **Core Strategy Policy CC4** 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.
- 4.273 **DMLP Policy DM H7** states When development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination. Development will not be permitted unless practicable and effective measures are to be taken to treat, contain or control any contamination so as not to:
- (i) expose the occupiers of the development and neighbouring land uses including, in the case of housing, the users of gardens to unacceptable risk;
  - (ii) threaten the structural integrity of any building built, or to be built, on or adjoining the site;
  - (iii) lead to the contamination of any watercourse, water body or aquifer; and
  - (iv) cause the contamination of adjoining land or allow such contamination to continue.
- 4.274 Any application will be assessed in relation to the suitability of the proposed use for the conditions on that site. Any permission for development will require that the measures to assess and abate any risks to human health or the wider environment agreed with the authority must be completed as the first step in the carrying out of the development.
- 4.275 **SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14 and 15** deal with contamination. Policy 16 sets out the common submission requirements for planning conditions relating to contamination and **Policy 17** deals with sustainable remediation.
- 4.276 Contaminative land uses (past or present) are understood to occur at, or near to, this site. It is noted that the demolition of the building under the extant permission will allow further investigation and remediation to take place prior to the construction of this proposal. As such the conditions proposed are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.
- 4.277 The development is considered to be in accordance with relevant national, regional, and local contaminated land policies which seek to manage the development of land to minimise the potential harm of contaminated sites and where appropriate, ensuring that mitigation measures are put in place. The proposed development therefore accords with Policy 5.21 of the London Plan, Policy CC4 of the Core Strategy and DMLP Policy DM H7.

## Air Quality

- 4.278 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 4.279 **NPPF Paragraph 124** relates to air quality and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.
- 4.280 **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; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.
- 4.281 **Core Strategy Policy CC4** explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.
- 4.282 **DMLP Policy DM H8** states the Council will 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 also considers the potential for exposure to pollution levels above the Government's air quality objective concentration targets;
  - Requiring mitigation measures to be implemented to reduce emissions, particularly of nitrogen oxides and small particles, 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; and
  - Requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality.
- 4.283 The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality. The development site is within the borough wide Air Quality Management Area and the will introduce additional receptors into an area of poor air quality.
- 4.284 The on-road and off-road vehicle emissions from the demolition and construction phases of the development will have a significant impact on local air quality. It is proposed that an Air Quality Dust Management Plan is secured by condition in addition to the Construction Logistics Plan and Servicing and Deliveries Plan and that these must include how low emissions vehicles (non-diesel) will be used during the demolition and construction phases to minimise the impact of these

vehicle emissions on local air quality. The details of the Ultra Low Nox Gas fired boilers are also required to be submitted for approval by condition.

4.285 Officers consider that subject to the conditions mentioned above the development meets with policy requirements. Officers therefore consider that the proposed development accords with London Plan Policy 7.14, LBHF Core Strategy Policy CC4 and LBHF DMLP Policy DM H8 and that there are no material considerations which indicate that planning permission should not be granted.

### **Archaeology**

4.286 **Paragraph 128 of the NPPF** relates to archaeology and requires developers to submit appropriate desk based assessments where a development site has the potential to include heritage assets with archaeological value.

4.287 **Policy 7.8 of the London Plan** advises that development should incorporate measures that appropriately address the site's archaeology.

4.288 **Core Strategy Policy BE1** advises that new development should respect and enhance the historic environment of the Borough, including archaeological assets.

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

4.290 Historic England (Greater London Archaeology Advisory Service) has been consulted and has stated that the site is of archaeological interest due to find-spots in the surrounding area and the proximity the Thames. A condition is sought to secure the evaluation and any subsequent necessary mitigation works proposed as a result of the development.

4.291 A condition is attached requiring a full historic record in line with Historic England's standards prior to any works commencing on the site. Officers therefore consider that the proposed development accords with Policy 7.8 of the London Plan, Strategic Policy BE1 of the Core Strategy and Policy G7 of the DMLP.

### **SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY**

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

4.293 LBHF CIL came into effect on 1 September 2015. This means that CIL liable development proposals approved on or after 1 September will need to pay the

borough CIL as well as Mayoral CIL. The LBHF CIL Charging Schedule identifies the type of developments liable to pay Borough CIL.

4.294 The Community Infrastructure Levy Regulations state that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

4.295 **The National Planning Policy Framework** provides guidance for local planning authorities in considering the use of planning obligations. It states that ‘authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.

4.296 **Policy 8.2 of the London Plan** states that: ‘When considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. Development proposals should address strategic as well as local priorities in planning obligations. Affordable housing and other public transport improvements should be given the highest importance’. It goes on to state: ‘Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.’

4.297 In the context of the above, **Chapter 9 of the Core Strategy** states that ‘the council will implement the policies and proposals of the Core Strategy and seek to ensure that the necessary infrastructure is secured to support regeneration by, inter alia, negotiating Section 106 obligations’.

4.298 **Emerging Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) states: ‘The Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms:

‘Community Infrastructure Levy

The Council will charge CIL on developments in accordance with the CIL Regulations (as amended) and the LBHF CIL Charging Schedule.

The Council will spend CIL on:

- infrastructure in accordance with the H&F Regulation 123 (R123) List;
- projects identified for ‘Neighbourhood CIL’; and
- CIL administration expenses (no more than the statutory cap).

Section 106 Agreements (‘S106s’)

The Council will seek to negotiate S106s, where the S106 ‘tests’ are met, for:

- the provision of infrastructure projects or types not specified on the R123 List (through either financial contributions or 'in kind' delivery); and
- non-'infrastructure' provisions, such as for affordable housing (see policy H03) and S106 monitoring expenses.'

4.299 The LBHF CIL Charging Schedule identifies a number of exceptions to the R123 List where the Council intends to negotiate S106 obligations to secure the provision of infrastructure. Two of the identified exceptions are:

- Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site: and
- An item of infrastructure or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than 5 planning obligations (already entered into since April 10) for that item at the time).

4.300 The application involves the redevelopment of a vacant and uninhabitable site to provide a high quality residential scheme within South Fulham Riverside Regeneration Area. The planning obligations set out in the heads of terms are therefore considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the proposed development.

4.301 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Regeneration, Planning and Housing Services after consultation with the Director of Law and the Chair of the Planning and Development Control Committee, to authorise the changes he/she considers necessary and appropriate, within the scope of such delegated authority

4.302 The Section 106 agreement will include triggers requiring the payment of contributions to coincide with development/occupation, in order for the impacts arising from the development to be appropriately mitigated. This includes the allocation of £6 million toward the delivery of offsite affordable housing at the redevelopment of Edith Summerskill House and the remaining £7.8 million of the identified surplus to be paid into the council's affordable housing fund. A review mechanism is secured as per the council's Draft Local Plan Viability Protocol.

4.303 The Heads of Terms agreed with the applicant specific to the application are detailed and will form the basis of progressing with the preparation of the Section 106 Agreement.

## **Application Heads of Terms**

4.304 To mitigate the impact of the development the following heads of terms are secured:

- Affordable housing contribution with £6 million secured to the redevelopment of Edith Summerskill House and the remainder of the surplus to the council's affordable housing fund
- Provision of wheelchair units
- Travel Plan within review periods at years 1, 3 and 5
- Prevention of parking permit applications for residents
- Carbon off-setting payment
- Local procurement for the construction phase
- Employment and training opportunities
- S278 agreement for off-site highway works

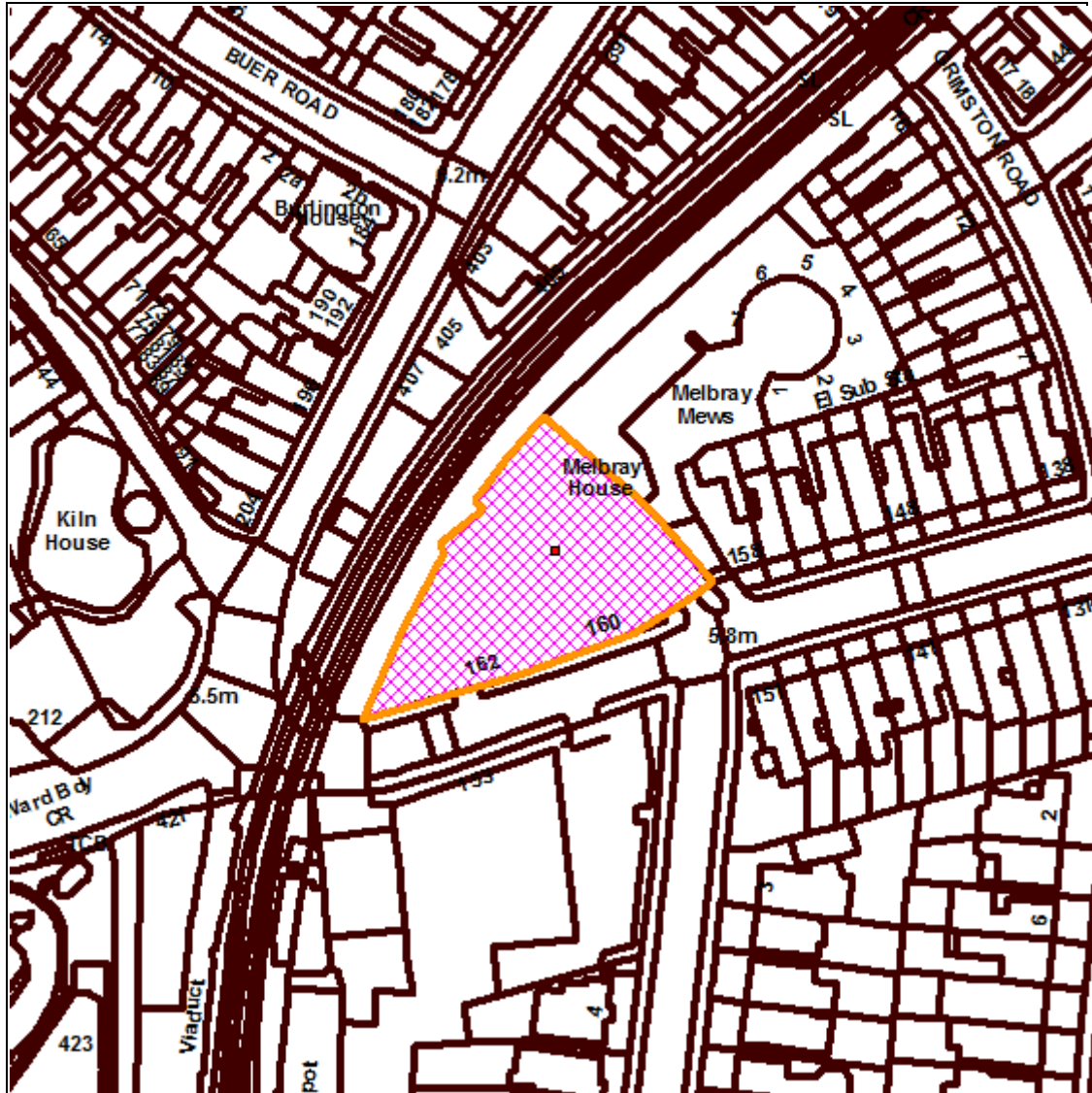
## **5.0 CONCLUSION & RECOMMENDATION**

- 5.1 Officers consider that the proposed 100% market units of Watermeadow Court with the proposed mechanism of delivering off-site affordable housing at Edith Summerskill House is acceptable and would deliver a far greater amount of affordable floorspace off site at Edith Summerskill House than will be achieved at Watermeadow Court. This is in addition to securing the delivery of the Edith Summerskill House scheme in its entirety. The approach to tenure is not considered to undermine the mix of housing type in the area and would deliver a significant contribution of much needed housing by maximising the development potential of the site with resulting in unacceptable impacts to neighbouring residents.
- 5.2 The design is considered by officers to be of a very high standard that would enhance and preserve the conservation area and provide residential units in excess of policy requirements with a large communal amenity area in addition to private spaces. The level of parking provide is considered acceptable in this location. The proposal brings a vacant site back into residential use and realises the aims and objectives of the South Fulham Riverside Regeneration Area.
- 5.3 Accordingly it is recommended that the proposed development be granted planning permission subject to the conditions listed and the completion of a s106 agreement securing the heads of terms contained within this report.

**Ward:** Parsons Green And Walham

**Site Address:**

160 - 164 Hurlingham Road London SW6 3NG



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For identification purposes only - do not scale.

**Reg. No:**  
2017/02950/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
27.07.2017

**Conservation Area:**  
Hurlingham Conservation Area - Number 4

**Committee Date:**  
10.10.2017



**Applicant:**

Sandown Properties Ltd  
C/o Agent

**Description:**

Demolition of the existing single storey light industrial premises, with the exception of the facade to 160 Hurlingham Road, and erection of a part 2, part 4 and part 5 storey building plus basement to provide office floorspace on basement to fifth floor (Use Class B1) and flexible retail/restaurant (Use Class A1/A3) floorspace on part of the ground floor (112sq m); including associated cycle parking, refuse storage and landscaping.  
Drg Nos: P\_01; 02; 03; 04; 05; 06; 07; 13; 14; 15; 16;23; 25; 26; 31

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: P\_01; 02; 03; 04; 05; 06; 07; 13; 14; 15; 16; 23; 25; 26; 31.

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. The 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) 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).

- 6) Prior to commencement of the development hereby permitted (save for demolition and site clearance), details of all new external materials (including samples where considered appropriate by the Council) 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 area; and 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) and Policy BE1 of the Core Strategy (2011) and Policies DM G1 and DM G7 of the Development Management Local Plan (2013).

- 7) 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).

- 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 and DM G7 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 Policies DM G1 and G7 of the Development Management Local Plan (2013).

- 10) 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).

- 11) Prior to the use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/equipment extract/ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. The 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 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) The glass installed for the retail frontage Hurlingham Road 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, DM G4 and DM G7 of the Development Management Local Plan (2013).

- 14) No external roller shutters shall be attached to the retail frontages to the Hurlingham Road elevation.

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).

- 15) The extent of demolition shall not exceed that shown on the approved drawings D\_01; 02; 03; 13; 14; 15; 16; 21; 22; 23; 24; 25; 26 and the Hurlingham Road facade shall be retained in accordance with the approved drawings (refer to drawing nos. of proposed elevations).

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

- 16) Prior to commencement of demolition, a method statement detailing the method of protection of the retained facades during the demolition and construction process shall be submitted to the Council for its approval and the works shall be carried out in accordance with such details as have been approved.

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

- 17) Prior to commencement of demolition an external photographic survey of the buildings shall be carried out and submitted to the Council for its approval. A copy of the photographic survey shall be submitted to the Local Archives.

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

- 18) Details of the design, size, materials, location and content of a Local Heritage Plaque to be erected on the building shall be submitted to the Council for its approval. The Local Heritage Plaque shall be erected prior to occupation of the development and in accordance with such details as have been approved and thereafter permanently retained in situ.

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 area; and 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) and Policy BE1 of the Core Strategy (2011) and Policies DM G1 and DM G7 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 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.

- 20) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. 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, 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) 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).

- 23) With the exception of the private roof terrace areas shown on approved drawings HUR\_A\_L\_20\_03 Rev 03; 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).

- 24) Prior to the first occupation of any ground floor Class A1/A3 unit, details of operational hours for the unit shall be submitted to and approved in writing by the Council. Use of the unit 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).

- 25) 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. P\_02 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)

- 26) 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 P\_02.

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).

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

- 28) The development hereby permitted shall not commence until a revised 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).

- 29) The development hereby permitted shall not be occupied before implementation of the energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy and Sustainability 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 and DM H1 of the Development Management Local Plan (2013).

- 30) 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. 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).

- 31) Prior to the commencement of development an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors on-site and off-site of the development and 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 the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road and off-road construction traffic, Ultra Low Emission Vehicle Strategy (ULEVS) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol); Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the 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>. 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).

- 32) Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect sensitive 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 occupiers 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 and off-site transport during operational phases by means of a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol). The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained as such.

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).

- 33) Prior to commencement of the development, (excluding site clearance and demolition) a report including detailed information on the proposed mechanical ventilation system with NOx filtration shall be submitted to and approved in writing



by the Council. This report shall specify air intake and air extract locations at roof level and the design details and locations of windows on all habitable floors for Class B1 use to demonstrate that they avoid areas of NO<sub>2</sub> or PM exceedance e.g. New Kings Road (A308) and Hurlingham Road. 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. 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. The development shall not be occupied until the details as approved have been fully implemented and hereafter permanently retained and maintained.

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 a preliminary risk assessment report, in connection with land contamination, is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials; and a statement of whether a site investigation is necessary to address these potentially unacceptable risks. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 36) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following the site investigation undertaken in compliance with the approved site investigation scheme if required by the approved preliminary risk assessment a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan 2016, policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 37) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 39) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document 2013.

- 40) Prior to occupation of the commercial units, a Servicing and Deliveries 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 complied with 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).

- 41) The use of the ground and basement floor commercial unit hereby permitted shall only be used for a purpose falling within Class A1 (Retail) or Class A3 (Restaurant) of the Town and Country Planning (Use Classes) Order 1987 and shall not be converted to any other use falling outwith Class A1 or A3 without planning permission first being obtained.

In granting this permission, the Council has had regard to the special circumstances of the case. A different use of the property would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policy LE1 of the Core Strategy (2011), Policies DM B1, DM J1, DM J2, DM H9 and DM H11 of the Development Management Local Plan (2013), Policies 3.9, 3.10, 3.11 and 3.12 of The London Plan (as amended in 2016), and the National Planning Policy Framework (2012)

- 42) Prior to commencement of development (excluding site clearance and demolition) details for construction of a green infrastructure (including details of planting species and maintenance) shall be submitted to and approved by the local planning authority. The green infrastructure shall be constructed and planted up in full accordance with the approved details within the first available planting season following completion of buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 43) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- a.) provide details on all structures;
  - b.) provide details on the use of tall plant/scaffolding;
  - c.) accommodate the location of the existing London Underground structures;
  - d.) there should be no opening windows or balconies facing the LU elevation;
  - e.) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land;
  - f.) demonstrate that there will at no time be any potential security risk to our railway, property or structures;
  - g.) accommodate ground movement arising from the construction thereof; and
  - h.) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016.

- 44) Demolition shall not commence until a signed building contract for the redevelopment of the site in accordance with this planning permission has been submitted to and approved in writing by the Council.

To ensure full compliance with the planning application hereby approved and to safeguard the character and appearance of the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 45) Brick sample panel to be erected onsite for approval of Council's Conservation Officer prior to commencement of development and development to be implemented in accordance with approved sample panel

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 46) Details of the all works to the retained Hurlingham Road façade of the Building of Merit including the method statement of paint removal to façade of Building of Merit shall be submitted to the Council for its approval prior to commencement of development and development to be implemented in accordance with approved details.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011)

- 47) The development shall not commence (excluding works of site clearance and demolition of existing building), until details of any proposed external artificial lighting, including security lights have been submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the `Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site/surrounding premises and natural habitat is not adversely affected by lighting, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan, policies BE1 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM E1, DM E4, DM G1, DM H10 and DM H11 of the Development Management Local Plan (July 2013) and the Council's Supplementary Planning Document (2013).

- 48) No part of the development hereby approved shall be used or occupied until a scheme for the control and operation of the proposed lighting within the office building, during periods of limited or non-occupation, has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented. The internal lighting shall be operated only in accordance with the approved details.

In order to ensure that the building does not cause excessive light pollution and in order to conserve energy when they are not occupied, in accordance with policy DM H10 of the Hammersmith and Fulham Development Management Local Plan (2013) and SPD Sustainability Policy 25 of the Planning Guidance Supplementary Planning Document (July 2013).

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

- 1) 1. Change of Use: It is considered that the proposed change of land use of part of the site is acceptable. The loss of part of the existing Class B1 floorspace and creation of a mixed use Class A1/A3 and Class B1 premises are acceptable and in accordance with the NPPF (2012), Policies 4.2 and 4.3 of the London Plan (2016), Policy B and LE1 of the Core Strategy (2011).
2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough The proposed development would be compatible with the scale and character of existing development. The proposal would preserve the setting of the

Conservation Area and would preserve those parts of the Building of Merit which have the greatest significance. 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 21, 22, 24, 60, 61, 62 and 63 of the Planning Guidance Supplementary Planning Document (2013), which seek a high quality in design and architecture, the preservation of heritage assets and require new developments to have regard to the pattern and grain of existing development.

3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, loss of sunlight or daylight 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).

4. 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 DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 3 of the Planning Guidance Supplementary Planning Document (2013).

5. Transport: There would be no significant adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure 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 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 2, 3 and 12 of the Planning Guidance Supplementary Planning Document (2013).

6. 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).

7. 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).

8. 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).

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

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 26th July 2017

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:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	04.09.17
Environment Agency - Planning Liaison	24.08.17
Historic England London Region	15.08.17
London Underground Limited	30.08.17
Transport For London - Land Use Planning Team	17.08.17

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
9 Edenhurst Avenue London SW6 3PD	31.08.17
114 Hurlingham Road London SW6 3NP	12.09.17
148 Hurlingham Road Fulham London SW6 3NG	05.09.17
26 Napier Avenue London Sw63pt	18.09.17
Napier Cottage 2A Napier Avenue London SW6 3PT	27.09.17
123 Hurlingham road Fulham London sw6 3nj	12.09.17
11 Napier avenue London sw63ps	12.09.17
23 Foskett Road London§ SW6 3LY	14.09.17
10 Edenhurst Avenue London SW6 3PB	18.09.17
14 Edenhurst Ave Fulham SW6 3PB	18.09.17
3 Ranelagh Avenue Fulham London SW6 3PJ	17.09.17
4 Melbray Mews London SW63NS	19.09.17
NAG	20.09.17



NAG	20.09.17
Napier Lodge 1a Napier Avenue London Sw63ps	03.09.17
3 Edenhurst Avenue London SW6 3PD	06.09.17
5 Edenhurst Avenue Fulham sw6 3pd	07.09.17
56 Hurlingham Road London SW6 3RQ	11.09.17
8 Alderville Road London SW6 3RJ	11.09.17
4 Grimston Road Fulham London SW63QP	12.09.17
147 Hurlingham Road London SW6 3NH	23.08.17
10 Grimston Road London SW6 3QR	06.09.17
13 Cortayne Road London SW6 3QA	11.09.17
98 Hurlingham Road London SW6 3NR	11.09.17
110 Hurlingham Rd London SW6 3NP	11.09.17
45 Napier Avenue London SW6 3PS	13.09.17
68 Hurlingham Rd London SW6 3RQ	18.09.17
1A Napier Avenue London SW6 3PS	19.09.17
106 Hurlingham Rd Fulham London SW63NP	14.09.17
7 Edenhurst Avenue London SW6 3PD	14.09.17
6 Grimston Road London SW6 3QP	14.09.17
66 Hurlingham road Fulham London SW6 3RQ	18.09.17
115 Hurlingham Road London SW6 3NJ	15.09.17
103 Hurlingham Road London SW6 3NL	19.09.17
16 Linver Road London SW6 3RB	19.09.17
NAG	19.09.17
NAG	19.09.17
7 Dolby Road London SW6 3NE	19.09.17
NAG	20.09.17
202 new kings road London sw6 4nf	29.08.17
6 Ranelagh Avenue London SW6 3PJ	21.08.17
8 Napier Avenue London SW6 3PT	10.09.17
114 Hurlingham Road London SW6 3NP	12.09.17
114 Hurlingham Road London SW6 3NP	12.09.17
28 Ewald Road Fulham SW63ND	13.09.17
4 Ranelagh Avenue London SW6 3PJ	18.09.17
Flat Ground Floor 68 Hurlingham Road London SW6 3RQ	18.09.17
25 Ranelagh Avenue London SW6 3PJ	18.09.17
NAG	19.09.17
338 Euston Road London NW1 3BG	18.09.17
NAG	18.09.17
67-69 George Street London W1U 8LT	19.09.17
146 Hurlingham Road Fulham Sw6 3NG	10.09.17
22 Edenhurst Avenue London SW6 3PB	12.09.17
9 Foskett Road London SW63LY	15.09.17
202b new kings road London sw64nf	31.08.17
21 Broomhouse Road London SW6 3QU	18.09.17
156 Hurlingham Road London SW6 3NG	15.09.17
41 Foskett Road London SW6 3LY	19.09.17
18 Alderville Road London Sw6 3Rj	19.09.17
9 Grimston Road London SW6 3QR	19.09.17
154 Hurlingham Road London sw63ng	21.08.17
Chelsea Close 23 Hampton TW12 1RS	31.08.17
129 Hurlingham Road London SW6 3NJ	10.09.17
Alderville Road	11.09.17

56 Hurlingham Road London SW6 3RQ	11.09.17
NAG	12.09.17
15 Edenhurst Avenue London SW6 3PD	14.09.17
6 Edenhurst Avenue London SW6 3PB	17.09.17
1 Edenhurst Avenue London SW6 3PD	06.09.17
152 Hurlingham Road London SW6 3NG	13.09.17
145 Hurlingham Road London SW6 3NH	19.09.17
145 Hurlingham Road London SW6 3NH	14.09.17
NAG	20.09.17
148 Hurlingham Road Fulham London SW6 3NG	06.09.17
145 Hurlingham Road London SW6 3NH	13.09.17
21 Edenhurst Avenue London SW6 3PD	18.09.17
21 Broomhouse Road London SW6 3QU	20.09.17
6, Ranelagh Avenue London SW6 3PJ	07.09.17
51 NAPIER AVENUE LONDON, SW6 3PS SW6 3PS	11.09.17
13 Dolby Road London Sw6 3NE	11.09.17
11 Grimston Road London SW6 3QR	14.09.17
134 Hurlingham Road London SW6 3NF	18.09.17
8 Edenhurst Avenue Fulham London SW6 3PB	11.09.17
18 Alderville Road London SW6 3RJ	11.09.17
29 Ranelagh Avenue London SW6 3PJ	13.09.17
28 Edenhurst Avenue London SW6 3PB	18.09.17
26 Hurlingham road London Sw6 3RF Sw6 3RF	18.09.17
6 Ranelagh Avenue London SW6 3PJ	12.09.17
22 Napier Ave London SW6 3PT	19.09.17
9 Hurlingham Gardens London SW6 3PL	15.09.17
149 Hurlingham Road London SW6 3NH	15.09.17
133 Hurlingham Road London SW6 3NH	10.09.17
11 Napier Avenue, London SW6 3PS	11.09.17
25 Alderville Road London SW6 3RL	18.09.17
154 HURLINGHAM ROAD LONDON sw6 3ng	17.08.17
54 Hurlingham Road London SW6 3RQ	10.09.17
146 Hurlingham Rd Fulham SW6 3NG	10.09.17
2 Grimston Road London SW6 3QP	14.09.17
26 Napier Ave London Sw63pt	18.09.17
6 Napier Avenue London SW6 3PT	18.09.17
6 Napier Avenue London SW6 3PT	18.09.17
56 Hurlingham Road London SW6 3RQ	11.09.17
2 Ranelagh Avenue London SW6 3PJ	30.08.17
2 Ranelagh Avenue London SW6 3PJ	11.08.17
16 Napier avenue London SW6 3PT	14.09.17

## 1.0 SITE DESCRIPTION

1.1 This triangular-shaped application site (0.014 ha) is on the north side of Hurlingham Road near the intersection with New Kings Road. The existing buildings on site consist of three late-19th century, single storey, light industrial units which were all built as part of one development. The site is bordered by an access road and railway line viaduct to the north and west respectively. To the east is a row of terraced residential properties at 138-158 Hurlingham Road, and Melbray Mews, which provides accommodation to several small businesses and some residential dwellings. On the

opposite side of Hurlingham Road adjacent to the railway tracks is a retail showroom. A service lane runs alongside the train viaduct and a number of small businesses, including a hand car wash, are located under the railway arches. The site is located within the Hurlingham conservation area. It is also within Flood Risk Zones 2 and 3, and has a PTAL level of 6a which makes the site highly accessible by public transport.

1.3 No. 160 Hurlingham Road is a Building of Merit and is included in the Hurlingham Conservation Area.

1.4 Relevant planning history:

160 Hurlingham Road has no relevant planning history.

162 Hurlingham Road

1.5 In 1999 a Certificate of Lawfulness was granted for the existing use of the premises as warehouse and offices in connection with a printing business.

1.6 In 2007 permission was granted for the creation of a new of a larger entrance.

1.7 In 2009 permission was granted for a change of use from Class B1/B8 (Office/Storage) to Class B2 (General industrial) in connection with the extension of an existing garage use at 160 Hurlingham Road.

164 Hurlingham Road

1.8 In 2009 permission was granted for the change of use from Class B1/B8 (Office/Storage) to Class B2 (General industrial) to enlarge the existing garage use at 160 Hurlingham Road.

1.9 Current proposal:

1.10 The proposal involves the demolition of the existing single storey light industrial premises, with the exception of the facade to 160 Hurlingham Road, and erection of a part 2, part 4 and part 5 storey building plus basement to provide office floorspace on basement to fifth floor (Use Class B1) and flexible retail/restaurant (Use Class A1/A3) floorspace on part of the ground floor (112sq m); including associated cycle parking, refuse storage and landscaping.

2.0 PUBLICITY AND CONSULTATION:

2.1 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 197 neighbouring properties.

At the time writing this report, 103 letters have been received and the grounds of objection can be summarised as follows:

- Height, scale and massing, out of context with the surrounding properties
- Fails to enhance or preserve the conservation area
- Loss of frontage
- Traffic, congestion and parking from employees, servicing and deliveries

- Noise and disturbance from roof terrace(s)
- Overlooking and loss of privacy
- Light pollution
- Loss of daylight/sunlight
- Class A1/A3 use out of character with residential street, noise and disturbance from customers/servicing/deliveries.

2.2 Fulham Society: No objection subject to further details on the junction between the new building and the retained front façade of the Building of Merit.

2.3 Environment Agency: No objection.

2.4 Thames Water: No objection subject to conditions.

2.5 Transport for London: No objection, subject to conditions.

### 3.0 CONSIDERATIONS

The main planning considerations in light of the London Plan (2016) and the Council's adopted Core Strategy 2011 (hereafter referred to as CS), 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; quantum and intensity of development; heritage, design and appearance; existing residential amenities of neighbouring properties; and, traffic impact on the highway network.

#### LAND USE:

3.1 London Plan Policies 4.2 and 4.3, CS Policies B (Location of Employment Activities), LE1 (Local Economy and Employment), DM LP Policy B1 (Providing for a range of employment uses) and Local Plan DM B3 (Local employment, training and skills development initiatives) are relevant in the proposal. The site currently comprises three warehouse units at ground and part first floor level, which have been previously used for storage and distribution/mechanic workshops/industrial purposes. However, the site is predominantly vacant. The only remaining occupier at No. 160 Hurlingham Road is in the process of moving to other premises for which they have bought the freehold and that property will therefore soon be unoccupied. No.s 162-164 Hurlingham Road are currently let out for storage only. Owing to the internal condition of No.s 162-164, with no heating or ventilation, it is only used for a dry storage use which generates a minimal rent and no employment. It would require substantial investment in the buildings to upgrade them for any other use which is unlikely to be a practical proposition for any tenant or owner of the building. The applicant has agreed to contribute towards a jobs and business employment strategy to maximise employment, training and business benefits of the Development, which will be secured through a S106 agreement. Subject to this, it is considered that the proposal would comply with CS Policy LE1 and DM LP Policy B3.

3.2 The existing site is underused and outmoded. The proposed development would result in the retention of employment uses on site as well as provide an upgraded modern facility with additional net employment generating floorspace within the borough. The proposal accords with CS Policy LE1 and B and DM LP Policy DM B1, and as such there is no objection to the principle of the proposal in land use terms.

## HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE

3.3 Among the core planning principles of the NPPF are that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance.

3.4 London Plan Policy 7.1 'London's Neighbourhoods' requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. London Plan Policy 7.4 'Local Character' requires development to 'have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.' London Plan Policy 7.6 'Architecture' relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'. 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.

3.5 Core Strategy Policy BE1 'Built Environment' requires 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.

3.6 DMLP Policy DM G1 'Design of New Build' builds on the above mentioned policies and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DM G7 'Heritage and Conservation' seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings.

3.7 Design Policy 21 of the Planning Guidance SPD sets out how the Council will assess proposals affecting Buildings of Merit. It states that:

Development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings unless:

1. (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
- (b) The proposed replacement would bring substantial benefits to the community and which would decisively outweigh the loss; and
- (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
- (d) The existing building or structure has been fully recorded; and
2. In the case of artefacts, they cannot practicably be retained in situ or, failing that, retained for re-use elsewhere within the site.

Height, massing and design of the proposed development

3.8 The frontage of the Building of Merit at 160 Hurlingham Road would be retained and the remainder of the existing buildings would be demolished. The proposal is for a 2 to 5-storey commercial development that includes the demolition of all structures on the site except for the Building of Merit's frontage. A first floor would be added above the retained facade that is linked to the first floor of the new building. The elevation would be recessed behind the raised parapet of the retained facade. This part of the development would moderate between the new taller buildings and the 2-storey terrace that abuts 160 Hurlingham Road and mark the retained change in building line. Along Hurlingham Road, the new building would form a colonnade over pavement lights and lightwells that would be covered with grilles so that no boundary treatment is required. The building entrance would be marked by a fully glazed slot between the 4-storey and the 5-storey block that would lead to a café in the Hurlingham Road frontage and an atrium as central, internal amenity space of the development.

3.9 At the various roof levels, sedum roofs are proposed. An external, hard landscaped amenity space would be provided in the centre of the site at 2nd floor level as well as terraces formed by roof level setbacks at levels 3 and 4.

3.10 The proposal has three elements, the 2-storey building on the site of the Building of Merit, the 4-storey block in the centre of the site and the 5-storey block that would stretch along the railway viaduct. The blocks would have related façade elements but their combined massing would be broken up in scale by varying brick and stone tones as well as by staggering heights, whereby the development would step up towards the railway and to the generally greater scale of buildings to the south and west.

3.14 The deep layering of the façade elements, the material variations and decorative detailing reflect distinct features of local, historic structures and buildings, such as bridges, arches and Victorian tenement blocks. The proposed materials comprise decorative brick cladding, steel frames, reconstituted stone, aluminium and glass, and the proposed layering and detailing, such as stone tiles with geometric patterns, reeded glass, decorative louvered doors and undulating aluminium cladding to the roof storeys to convey solidity and sturdiness would provide visual interest and complement the local character.

## Heritage Assets

3.15 The site lies within Hurlingham Conservation Area. The application site forms part of the extended conservation area. The existing buildings on site do not form part of the original Conservation Area. However, the existing depot buildings are considered incidental to the late Victorian urbanisation of the area when the expanding rail network provided spaces for commercial development along their corridors. The depot buildings are a characteristic townscape element of the historic development of the area although the types of such historic, commercial buildings can vary in style and scale.

3.16 160 Hurlingham Road is a Building of Merit, built in 1880s as single storey, commercial premises. Originally used as London General Omnibus Depot, it features visible stock brickwork with decorative cornices, red brick window arches and parapets flanked by octagonal domed finials. However, it has modern windows and entrances and the brickwork has been painted. It is part of a group of similar depot buildings which are not designated as Buildings of Merit. The rear of the depot buildings is plain and not of special interest. The group of buildings was included into the extension of Hurlingham Conservation Area in 2002 as it complements the character of the conservation area by

reflecting changing patterns of uses and building styles on land that is impacted by railway corridors and benefits from the use of railway arches. The inclusion of the application site demonstrates the historic interaction and close relationship between residential and commercial uses in such locations.

3.17 The proposals involve the demolition of the buildings on site, with the exception of the façade of the Building of Merit. The proposals therefore would directly affect the character and appearance of the designated heritage asset Hurlingham Conservation area and the undesignated heritage asset No 160 Hurlingham Road.

Policy background with regard to the significance of affected heritage assets

3.18 The Council is required to undertake an assessment of the impact of the submitted proposals based on the significance of the heritage assets affected. In this case this relates to the impact of the proposal on both designated (Conservation Areas) and non-designated (Buildings of Merit) assets.

3.19 The issue of designation is an important one since it will affect which paragraphs in the NPPF, which of the Council's planning policies and which statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable in the assessment of the applications.

3.20 It is key to the assessment of the application that the decision making process is based on the understanding of specific duties in relation to conservation areas required by the relevant legislation. A conservation area is defined in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as an area 'of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. The Council has produced a Conservation Area Appraisal for the conservation area which sets out the history of the area and its reason for designation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant and in relation to Conservation Areas it states that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 132 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....".

Paragraph 134 of the NPPF states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 of the NPPF relates to the effect of an application on the significance of a non-designated heritage asset (in this case the Building of Merit) and states:

"...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Paragraph 136 of the NPPF states that:

'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'

### Assessment of the proposals

3.21 With regard to the selection criteria suggested by Historic England which is also to be applied to non-designated heritage assets, officers consider that the Building of Merit and the group of buildings have some merits relating to age, aesthetic value and group value. As a group, the buildings reflect characteristic commercial development patterns alongside railway corridors in the Victorian suburbs. Building type, architectural style and scale of such traditional commercial buildings vary in accordance with their originally intended purposes, such as the use as depots, warehouses and workshops. Accordingly there is a variety of commercial building types along Fulham's railway viaducts that equally would contribute to the character and appearance of the conservation area. Neither of such historic building types, including the depot buildings currently on site, were meant to be designed in keeping with the residential terraces of the area as in most cases they would reflect their commercial uses by different scales, styles and design.

3.22 Given the small scale and restrained prominence of the group of depot buildings including the Building of Merit within the townscape, the façade of the Building of Merit is the most characteristic and significant part of the group as it moderates between different building types and building lines in the most visually prominent location of the site. The rear elevations and interiors are plain and much altered. The proposed retention of the façade of the locally listed building is considered to be an acceptable approach in principle given the opportunities to enhance the appearance of the site, of the Building of Merit's facade and of the conservation area that would arise. This would also provide an opportunity to improve the activation and integration of the site into the neighbourhood. In the event of a high quality replacement building being secured the loss of the less significant parts of the Building of Merit and the group of buildings would not cause harm to the significance of the conservation area with regard to paragraph 134 of the NPPF. With regard to paragraph 135 of the NPPF, the loss of the less significant parts of the Building of Merit and of the part of the group of buildings not including into the Building of Merit must be balanced against the merits of the proposed scheme.

3.23 The replacement building is designed to clearly express the traditional warehouse style that would complement the character of the location. The retained façade that is the most prominent part of the site in the streetscene would mark the existing change in building line and moderate between the adjacent 2-storey terrace and the taller part of the development to ensure that the increase in scale would not be perceived as overbearing in views along Hurlingham Road. In addition, the 5th floor would be far recessed into the site and only be visible in the background of some views along Hurlingham Road. The top floor would only clearly be visible from the western side of the railway viaduct outside the conservation area where the scale of buildings generally is larger. The façade treatment is considered to be of high quality with appropriate



depth, articulation and decorative detailing and is considered to contribute positively to the character and appearance of the conservation area. The contrast between the restored, retained façade and the new facades is considered to add visual interest and character.

3.24 Although the proposed demolition would result in the loss of a characteristic group of buildings that contributes positively to the conservation area, the proposals would retain the most significant part of the Building of Merit and thereby preserve evidence of the historic development of the site. The buildings proposed to be demolished are not considered to be of significant visual townscape relevance that would strongly support their retention above the opportunity for a high quality building that would make a positive contribution to the character and appearance of the conservation area and strengthen and uplift the commercial character of the edge of the area opposite the modern warehouse on the south side of Hurlingham Road. The development overall therefore would not cause harm to the significance of the conservation area. In balancing the scale of the loss of parts of the Building of Merit of lesser significance the proposals are not considered to cause harm to the undesignated heritage of the Building of Merit in this case.

## Conclusion

3.25 The proposed new building is considered to be an opportunity to respect and reflect the character and integration of commercial sites on the edges of uniform, historic residential areas, and to lift the quality of the streetscene and townscape. In accordance with paragraph 136 of the NPPF, a condition is attached to the consent requiring the submission of a signed building contract for the replacement development before commencing demolition. Final details of the materials to be used in the external appearance of the building are conditioned for future approval.

3.26 It is considered that the proposed design would not harm the existing character and appearance of the application site or surrounding development, and is therefore considered acceptable. 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. It is also considered that on balance, considering the proposed retention of the front façade of the building of merit, and the redevelopment of the building behind would be considered acceptable in terms of scale and would not result in the loss of any the significant elements of the non-designated heritage asset. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 Core Strategy Policy BE1 and Policy DM G1, DM G5 and DM G7 of the DMLP, which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

## RESIDENTIAL AMENITY

3.27 Policy DM G1, H9, H11 and A9 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

3.28 The nearest residential properties are those to the east within Melbray Mews, which although mainly commercial offices, does have some residential properties, and

the immediately adjoining property at 158 Hurlingham Road. There is a row of terraced houses to the south east with the nearest being on the south east corner of Hurlingham Road and Edenhurst Avenue (151 Hurlingham Road).

#### Outlook:

3.29 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. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

3.30 There are windows and a roof terrace in the rear elevation of 158 Hurlingham Road at first floor level. The windows and terrace are adjacent to the shared eastern boundary of the application site, where it is proposed to extend the existing boundary wall by 2.67m in height. The proposal would result in a loss of view, however in terms of outlook, the rear windows and terrace to No. 158 Hurlingham Road are angled away from the boundary reducing the potential impact from the proposal. It is considered that the proposal would not result in harm to a significant degree as to withhold planning permission. On site judgement demonstrates that adequate outlook would be retained.

#### Privacy:

3.31 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.

3.32 A series of roof terraces have been proposed at second (facing north east), third (facing east and south east) and fourth floor (facing south) levels. The terrace at second floor level would include a large 2m high plant structure enclosing the terrace, and separating it from the north eastern boundary. The third floor terrace faces the public realm of Hurlingham Road to the south east, and there are no windows in the opposing elevation of the closest property to the south east. Views from the fourth floor terrace face out onto the public realm of Hurlingham Road or the railway viaduct and are 43m from the flank elevation to 158 Hurlingham Road. The nearest property to the south east on the opposite side of Hurlingham Road (No. 151) would be over 22m away from the closest window at first and second floor level, and the terrace at third floor level.

3.33 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:

3.34 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.

3.35 Three terraces are proposed, at second, third and fourth floor level. The 64sqm second floor terrace would centrally located and screened from the nearest neighbouring residential properties to the east by the large plant enclosure which is 2.2m above the floor level of the terrace. The other two terraces at third and fourth floor levels (55sqm and 46sqm respectively) are in the form of narrow strips running mainly on the front elevation, facing Hurlingham Road. Views from the 3rd floor terrace face out onto the public realm of Hurlingham Road or the blank gable wall to 158 Hurlingham Road at a distance of 13m. The terrace at fourth floor level would be at least 43m away from the flank elevation to 158 Hurlingham Road.

3.36 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 at second, third and fourth floor level, however, on balance, having regard to the size of the proposed areas together with the location and the relationship with adjoining properties, it is not considered that the terrace would be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance.

3.37 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.

#### Daylight and Sunlight:

3.38 A Daylight and Sunlight Report has been undertaken by the applicant to assess the impact of the development on the surrounding properties and to consider the levels of sunlight and daylight within the proposed scheme. The report considers the daylight and sunlight effects of the proposed scheme against the windows and gardens of neighbouring properties. Officers have considered the report which looks at Vertical Sky Component (VSC), daylight distribution and sunlight methods. Officers concur with the conclusions in this respect that the proposal would not have any significant impact on any neighbouring properties.

3.39 The Report assesses 99 neighbouring windows. All windows meet VCS standards. Where applicable all rooms pass the daylight distribution test, complying with BRE daylight requirements. The development meets the targets for annual probable sunlight hours (APSH).

3.42 The supporting report demonstrates that the gardens and amenity areas to the rear of 154 and 156 Hurlingham Road would retain adequate sunlight. In respect of the roof terrace at 158 Hurlingham Road a small portion (14%) of the area receives the minimum 2 hours of direct sunlight during the spring equinox on 21 March. This is below the minimum 50% criteria suggested in the BRE guidance. This is mainly because of the north facing orientation of the roof terrace which is also self-shaded by the main parent building of 158 Hurlingham Road. The results show that no part of the roof terrace will receive 2 hours of direct following the proposed development. Overall, due to the small amount of direct sunlight experienced on the first floor terrace area to the

rear terrace officers consider that it is unlikely that the proposal will result in undue material harm in this urban setting.

3.43 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. Overall, the overshadowing studies show that the proposed development will not cause an adverse material impact upon the neighbouring amenity areas.

3.44 Officers consider that the habitable rooms and windows in the neighbouring properties 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".`

#### Light pollution

3.45 DMLP Policy DM H10 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination. The existing buildings would be replaced by up to five storey building, however a condition requiring a strategy securing how internal lights to be turned off when not required is recommended to mitigate against unnecessary harm to sensitive receptors. The office use is likely to feature a more continuous form of illumination due to the nature of its use. However, officers do not consider the level of illumination likely to be harmful or out of character with the location. In addition to the above condition, further details are sought for approval of all proposed external illumination and the shopfronts of the retail units in order to secure a positive environment without harmful impacts upon adjacent residents or harm to the character of the area. As such officers consider that the proposal accords with the requirements of Policy DM H10 of the DMLP.

#### HIGHWAYS

3.45a 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.

3.46 Core Strategy Policy T1 supports The London Plan. 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 and 22.

#### Car Parking:

3.47 The site benefits from a high level of accessibility as reflected by its 6a PTAL rating enabling employees to access the site by a range of public transport facilities. Three bus routes (22, 424 and N22) operate along New Kings providing regular services to central London. Putney Bridge Tube Station is 250m to the south of the site providing regular services to central London and Wimbledon. Both bus stops and the station are within walking distance of the site for commuters.

A Transport Statement Addendum has been provided by the applicant providing detailed information on the modal split using similar high PTAL offices with car drivers included for information and the consequent potential parking demand. However, the development would be car free and this level of car trips to the development is unlikely to occur. The submitted statement also provides an assessment of the delivery and servicing arrangements. A delivery bay has been removed from the proposal and is replaced by single yellow lines whilst the on-street refuse bay has been removed and replaced with a car parking space. Deliveries will take place from the single yellow lines when the building is occupied and out of hours this area will be available for on-street residents' car parking. Together with the removal of the refuse bay this maintains the existing number of CPZ spaces and allows 2 car parking spaces out of hours on the single yellow line. The Council's Highways team are satisfied with the information provided, with the arrangements to be secured through conditions and a S106 agreement.

#### Cycle:

3.48 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 29.

3.49 The proposed 121 cycle parking spaces is welcomed. The plans indicate provision of cycle parking would be made at basement level, split into two sections. The number of cycle spaces is considered satisfactory and is secured by Condition 25.

#### Refuse:

3.50 London Plan Policy 5.16 outlines the Mayors approach to waste management. Core Strategy Policy CC3, DM LP Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. The plans indicate the provision of refuse storage and recycling facilities at basement and ground floor level. A condition would be attached to a permission ensuring the provision of these arrangements (Condition 26).

#### Servicing and Delivery:

3.51 The proposals include a loading bay to be located on Hurlingham Road adjacent to the designated service entrance. Refuse will be trolleyed from a dedicated refuse store at basement level via a goods lift for collection. It is proposed that all deliveries will also utilise the loading bay/yellow line. Consideration has been made for the likely servicing and delivery trip attraction of the development. A first principles approach has

been adopted to consider the likely servicing and delivery trips associated with the proposed office space. On this basis, it is anticipated that the office proposals would likely attract 4 to 5 servicing trips per day. With regard to the proposed flexible A1/A3 unit, it is anticipated that the proposals would likely attract 1 servicing trip per day.

3.52 The quantum of service trips anticipated at the site is not expected to adversely impact on the local highway network. It is therefore considered that the proposed development would not give rise to any material impact on the surrounding highway network. It is considered that the proposal would therefore not conflict with policies DM J1 and DM J6 of the LP in this regard.

## ENVIRONMENTAL QUALITY

### Flood Risk

3.53 As required, a Flood Risk Assessment (FRA) has been provided with the application. The application relates to the provision of office and other commercial space uses on the site, which are less vulnerable uses in terms of flood risk. Although the site is in Flood Zone 3, it is well protected from flooding from the River Thames by the existing flood defences in the form of the Thames Barrier and local river wall defences. If these were to be breached or overtopped, Environment Agency modelling shows that flood water would not be expected to impact on the site. Parts of the borough are known to have increased potential for elevated groundwater, but this site is not in such an area. In terms of sewer/surface water flood risk, the site is not in a flooding hotspot although as a basement is planned where it is intended to include facilities such as showers and toilets, there could be a risk of sewer surcharge flooding. Details of the inclusion of a cavity drainage system and associated sump/pumps to remove any water ingress have been submitted. The submission provides details of the structural flood proofing measures for the basement, which are considered acceptable and would be secured through Condition 27.

### Sustainable Urban Drainage Systems (SUDs):

3.54 In terms of managing surface water run-off from the site, a separate Drainage Strategy has been provided which considers sustainable drainage measures for the site. The proposal is to integrate a rainwater harvesting system and a storage tank and flow control system. Other options have been considered and ruled out, however, it is considered that additional measures may be viable and should be explored further, including green roofs, blue roof storage, and porous pavements so that discharge rates for surface water into the sewer system can be set lower.

3.55 It is not clear what level of attenuation is expected to be achieved by the SuDS measures and this will not be resolved until a contamination assessment has been carried out. Also, further information would be required on the maintenance provisions for the proposed SuDS. It is considered acceptable to attach a condition requiring the submission on the provision of a revised Drainage Strategy that deals with these points (Condition 28).

3.56 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 (Conditions 27 and 28).

## Air Quality:

3.57 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.

3.58 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 Air Quality Dust Management Plan, Low Emissions Strategy, and Mechanical Ventilation. This has been secured by Conditions 31-33.

## Sustainable Design and Construction:

3.59 As required, a Sustainability Statement has been submitted, as has a BREEAM Assessment. The BREEAM assessment shows that the sustainable design and construction measures planned for the new building will achieve the "Very Good" BREEAM rating. This is adequate to meet the requirements of Local Plan policy DM H2 and London Plan policy 5.3 on sustainable design and construction. Measures planned for the site include measures to reduce energy use and CO<sub>2</sub> emissions, reduced use of other resources such as water, make use of building materials with low environmental impacts, minimise waste and promote recycling. Conditions would be attached to any permission to secure the implementation of the sustainability measures as outlined in the Sustainability Statement and BREEAM assessment and require submission of a post construction BREEAM assessment to confirm that the measures have been implemented as required.

## Carbon Reduction

3.60 In terms of the Energy Assessment, the new development will include the integration of energy efficiency measures, improved air permeability measures to reduce heat loss and also energy efficient lighting. Low carbon Heat Pumps are proposed and renewable energy generation is planned in the form of solar PV panels. The energy assessment shows an improvement of just over 31% in terms of CO<sub>2</sub> emissions reductions compared to the minimum requirements of the Building Regulations 2013. The proposed sustainable energy measures therefore do not meet the required the London Plan target of a 35% reduction in emissions. Conditions are proposed to be attached to any permission securing the implementation of the carbon reduction measures as outlined in the Energy Strategy. There will also be a requirement to make a payment in lieu to make up the shortfall in CO<sub>2</sub> emissions. The amount required is £7,240, and will be secured through a S106 agreement.

## Contamination:

3.61 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.

3.62 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 34-39).

## COMMUNITY INFRASTRUCTURE LEVY

### Mayoral CIL

3.63 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. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. An estimate of £224900, plus indexation, based on the additional floorspace has been calculated.

### Local CIL:

3.64 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 £8960, plus indexation, based on the additional floorspace A1/A3 has been calculated.

### Planning obligations

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

3.65 Site-specific contributions would be included in the S106 agreement and would include the following:

- A S278 agreement towards highways works including improving surface treatments in the vicinity of the site.
- £7,240 payment in lieu of CO2 emissions shortfall .
- Contribution to a jobs and business employment strategy including the following:
- £44,980 for 'Business Engagement'
- £4,335 for 'Procurement'
- £2,500 for 'Jobs and employment'



- 3 apprentices
- 1 work placement (paid)
- 1 work experience
- Target of 10% local labour
- Commitment to meet the costs of the Council's Legal fees.

3.235 Overall, the proposed development is considered to be acceptable subject to conditions and s106 obligations.

#### 4.0 CONCLUSION

4.1 The proposed development would retain the most significant elements of the Building of the Merit and would create a well-designed mixed use scheme that would preserve the setting of the Conservation Area and preserve the quality of the local townscape. The design, height and massing of the development would be compatible with the retained facade of the Building of Merit and the surrounding development. 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.

#### 5.0 RECOMMENDATION:

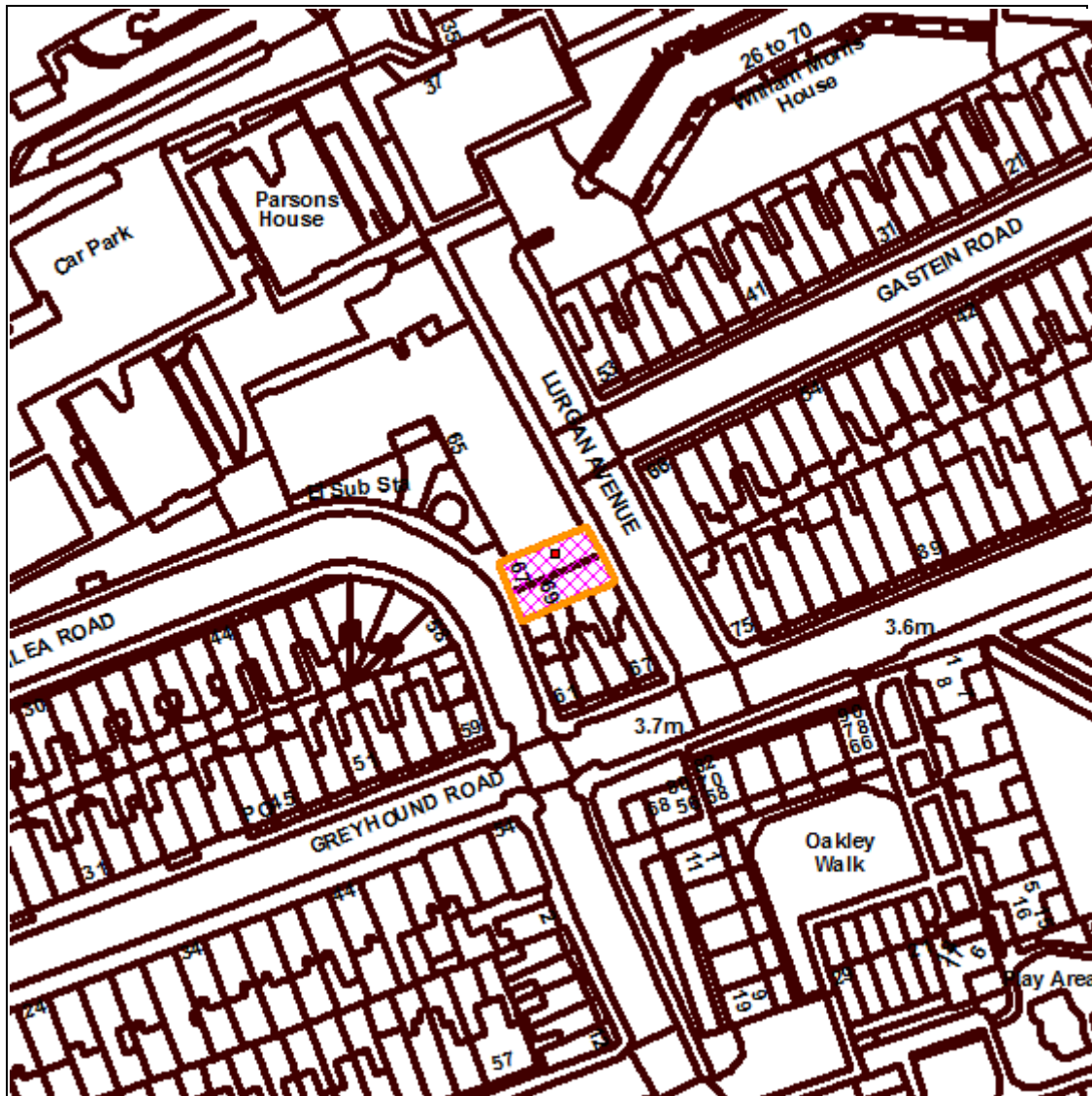
5.1 For the above reasons, it is recommended that planning permission is granted subject to S106 agreement and conditions outlined in the report.

5.2 To authorise the Lead Director for Planning & Development in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions as drafted to ensure consistency.

**Ward:** Fulham Reach

**Site Address:**

67 - 69 Aspenlea Road London W6 8LH



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**Reg. No:**  
2017/02410/FUL

**Case Officer:**  
Alison Lavin

**Date Valid:**  
16.06.2017

**Conservation Area:**

**Committee Date:**  
10.10.2017

**Applicant:**

Morgan

Unit 7 Red Lion Business Centre Red Lion Road Surbiton

KT5 7QD

**Description:**

Demolition of existing mixed use building comprising of part residential (Class C3) and part light industrial use (Class B1/B8), and the erection of a part two, part three and part four storey plus-basement building to provide 2 x 1 bedroom and 4 x two bedroom self-contained flats (Class C3); formation of roof terraces at first and second floor level.

Drg Nos: pl\_50; pl\_51; pl\_52; pl\_53; pl\_54; pl\_55; pl\_56; pl\_57; pl\_58; pl\_59; pl\_60; pl\_61; pl\_62; pl\_63.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall not be erected otherwise than in accordance with the approved drawings.

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

- 3) Prior to commencement of the development hereby approved, 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) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details and samples of all materials to be used on the external faces of the new buildings and all surface treatments, and of railings, windows and doors and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

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

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

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

- 7) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the elevations of the building fronting Aspenlea Road and Lurgan Avenue hereby approved.

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

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

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

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

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

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

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

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

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policy 7.3 of the London Plan (2015), and Policy DM G1 of the Development Management Local Plan (2013).

- 12) With exception to the private roof terrace areas shown on approved drawings, no part of the remainder of the roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure shall be erected around the roofs, and no alterations shall be carried out to the approved building (including the permitted roof terrace enclosures) to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM H9, DM A9

and DM G1 of the Development Management Local Plan (2013), and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 13) The development hereby permitted shall not commence until details and samples of the 1.8m high obscure glazed screen as measured from the floor level of the terrace to be used in connection with the roof terraces at second floor level to both flat 5 and flat 6 which shall be positioned on the southern side of the building, have been submitted to and approved in writing by the Council. The use of these terrace spaces shall not commence, until the obscure glazed screening 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 G3 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii) of Planning Guidance Supplementary Planning Document 2013.

- 14) The development hereby permitted shall not be occupied until the new windows, southern facing, in the dormer at roof level, have been installed fixed shut with obscure glazing, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the window shall be retained in the form approved.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with policies DM A9 and G1 of the Development Management Local Plan, 2013, and SPD Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning, 2013.

- 15) 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 pl\_50.

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.

- 16) Any refuse/recycling generated by the residential units hereby approved shall be stored in the refuse stores forming part of the details approved pursuant to Condition 15 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.

- 17) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential development hereby approved, as indicated on the approved drawing pl\_50.

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 DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

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

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

- 19) The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

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

- 20) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

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.

- 21) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment 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 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 reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan 2011, Policy CC1 and CC2 of the Core Strategy 2011, National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012) and Policy DM H3 of the Development Management Local Plan 2013.

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

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

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

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the dwellings hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011

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

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

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

In order that the prospective occupiers of the residential units concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of



the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 26) No part of the development hereby approved shall be used or occupied prior to the completion of works for the removal of the dropped kerb and reinstatement of the section of footway outside the site on the western side of Lurgan Avenue, the extension to the parking bays and making good of the highway.

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 DM G3 and J6 of the Development Management Local Plan 2013.

- 27) Prior to the commencement of the development a Air Quality Dust Management Plan (AQDMP) shall be submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and 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 the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Mayors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM<sub>10</sub> 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).

- 28) 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 NO<sub>x</sub> emissions not exceeding 30 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained.

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).

- 29) 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.

- 30) 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.

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

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

- 33) 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.

- 34) 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: The redevelopment of the site for residential is considered acceptable, in accordance with the NPPF, Policies 3.3 and 4.4 of the London Plan (2015), Policies H1 and H4 of the Core Strategy (2011), and Policy DM A1 and DM A3 of the DM LP (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 3.16 of the London Plan (2015), Policies H2 and H3 of the Core Strategy (2011), Policies DM A2, DM A3 and DM A9 of the DM LP (2013), and SPD Housing Policy 8 of the Planning Guidance SPD (2013); and the amenity space provision is also considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the DM LP (2013) and SPD Housing Policies 1 and 3 of the Planning Guidance SPD (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 development would therefore be acceptable in accordance with the NPPF, Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2015), Policy BE1 of the Core Strategy (2011), Policy DM G1 of the DM LP (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 Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable in terms 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, DM H9, DM H11 and DM A9 of the DM LP (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: A condition will ensure the development would provide a safe and secure environment for all users in accordance with Policy 7.3 of the London Plan (2015) and Policy DM G1 of the DM LP (2013).

5. Transport: Subject to conditions there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will also secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF, Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16 of the London Plan (2015), 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 DM LP (2013), and SPD Transport Policies 3, 7 and 12 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 of the Planning Guidance SPD (2013).

6. 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. In this respect the proposal is therefore in accordance with the NPPF, Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2015), Policies CC1 and CC2 of the Core Strategy (2011), Policy DM H3 of the DM LP (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

7. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential use. The proposed development therefore accords with Policy 5.21 of the London Plan (2015), Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the DM LP (2013).

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

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 15th June 2017

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

**Dated:**  
26.06.17

## **Neighbour Comments:**

### **Letters from:**

65C Greyhound Road London W6 8NH  
65b Greyhound Road London w6 8nh  
65C Greyhound Road London W68NH  
17 Royal Place Greenwich London SE10 8QF

### **Dated:**

10.07.17  
10.07.17  
10.07.17  
29.08.17

## 1.0 BACKGROUND

1.1 This application relates to a site located on the eastern side of Aspenlea Road, occupied by a pair of Victorian properties. The first floor of No. 67 and No. 69 are occupied as residential units, while the part of the ground floors of No's 67 and 69 have most recently been in use as a Class B1 Office/light industrial use. The site is adjoined by the Kennedy Institute of Rheumatology to the north and the rear of No. 61 Greyhound Road to the south. The site also has a frontage to the western side of Lurgan Avenue. Directly opposite the application site are No's 52 - 58 Aspenlea Road; designated Buildings of Merit.

1.2 The surrounding area is mixed in character; Aspenlea Road features mostly residential units on the southern side while the Charing Cross Hospital site is located nearby to the north west of the application site. To the rear, Lurgan Avenue serves as a through road with residential streets running off it to the east.

1.3 The site has a Public Transport Accessibility Level (PTAL) of 5. The area is located in Environment Agency's Flood Risk Zone 2 and 3.

1.4 Planning permission is sought for the demolition of the existing mixed use building comprising of part residential (Class C3) and part light industrial use (Class B1), and the erection of part two, part three and part four storey plus-basement building to provide 6 x two bedroom self-contained flats (Class C3); formation of roof terraces at second floor level.

## RELEVANT PLANNING HISTORY

1.5 In 1970, planning permission was granted for the use of the premises as a funeral establishment, chapel of rest and garage for hearses.

1.6 At some point in the 1980's a change of use occurred, whereby the ground floor of 67-69 Aspenlea Road was in use as an office, with a storage area at the rear related to the business operation of Morgan's Dairy. In 1983, planning permission was granted for the provision of a cold store at the rear ground floor of the premises in connection with its use as a Dairy. During 1983 a further planning application was granted for alterations to the elevation at ground floor level in connection with the change of use of part of the ground floor to residential and alterations to the rear elevation.

1.7 In 2002, an planning permission was granted for the erection of an additional floor at roof level to both Nos 67 and 69 Aspenlea Road.

1.8 In 2003 an application was refused at 69 Aspenlea Road for the change of use of ground floor from office (Class B1) to one self-contained 2 bedroom flat; erection of

an additional floor at roof level; demolition of part of existing single storey rear extension and alterations to rear elevation at ground floor level to accommodate one off street parking space and new rear garden; erection of railings on flat roof at first floor level in connection with its use as a terrace; replacement of existing window on front elevation at ground floor level with two sash windows . This application was refused due to the loss of office space, quality of design, lack of amenity space, and a loss of privacy.

1.9 In 2016, planning permission was refused for the demolition of existing mixed use building comprising of part residential (Class C3) and part light industrial use (Class B1/B8), and the erection of a part two, part three and part four storey plus-basement building to provide 2 x 1 bedroom and 4 x two bedroom self-contained flats (Class C3); formation of roof terraces at second floor level. The application was refused on the following grounds: quality amenity space for the duplex flats (1 and 2), over development; inadequate refuse storage; inadequate standard of accommodation for the duplex flats (1 and 2) due to the location of habitable rooms at basement level; lack of emergency egress from the basement lightwells; loss of daylight and increased sense of enclosure; visual amenity in terms of the height, scale, massing and elevational treatment. Although the subsequent appeal was dismissed, the Inspectorate only upheld one of the reasons for refusal relating to the quality of accommodation at basement level. The other reasons for refusal were rejected by the Inspectorate.

1.10 The current proposals follow on from the previous refusal and have been amended in response to the appeal. The proposal involves the demolition of the existing buildings and subsequent change of use of the site from the existing Office/light industrial Class B1(c) Use to residential use Class C3, in connection with the construction of six new residential units. The main difference is that the basement accommodation has been removed from the proposals and the black facing brick has also been excluded from the design.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by way of letters sent to 37 neighbouring properties. A site and press notice were also issued. Four letters of objection have been received. Three of the responses came from 65 Greyhound Road, two from Flat C and one from Flat B; and another from an address outside the borough.

2.2 The objections raised are summarised as follows:

- Development is out of keeping with the character of the street and area;
- Loss of privacy to 58 Aspenlea Road;
- Application should not be considered because it has already been refused;
- Risk of flooding to neighbouring properties and impacts of surface water drainage;
  - The structural stability of the neighbouring properties;
- Residential amenity of 61- 67 Greyhound Road;
- Parking stress as a result of four additional units;
- No garden spaces provided;
- No guarantee that the proposed cladding is fireproof;
- The development would lead to dirt and rubbish.

### 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 loss of the B8 use, principle of the residential use in land use terms; visual amenity of development in terms of the height, scale and massing; impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy and potential for traffic generation, and the impact on the highway network and environmental matters.

#### LAND USE:

3.2 London Plan Policy 4.4 seeks to ensure that industrial premises are managed to ensure that a sufficient stock of premises is retained to meet the need of different types of users, including space to accommodate demand for workspace suitable for SMEs and the needs of micro-firms.

3.3 Policy LE1 of Council's Core Strategy seeks to ensure that accommodation is available for all sizes of business, and seeks to retain premises capable of providing continued accommodation for local services or significant employment unless it can be satisfactorily demonstrated that the premises is no longer required for employment purposes. Core Strategy Strategic Policy B states "unused or underutilised employment land may be permitted to change to residential or mixed use if there is no clear benefit to the economy in continued employment use".

3.4 Policy DM B1 of the DM LP states where the loss of employment use is proposed in line with Policy LE1 the council will have regard to; the suitability of the site for continued employment use; evidence of unsuccessful marketing; the need to avoid adverse impact on established clusters of employment use; and the need to ensure sufficient stock of sites to meet local need for a range of types of employment uses in appropriate locations.

3.5 The proposal involves the demolition of the existing buildings and subsequent change of use of the site from the existing Office/light industrial Class B1(c) Use to residential use Class C3, in connection with the construction of six new residential units. The principle of the acceptability of the use was established under application ref: 2015/05807/FUL.

3.6 The proposal will result in the loss of approximately 82sqm of Class B1 (c) Office/light industrial floorspace. As part of the application, a statement has been submitted which demonstrates that evidence of marketing of the premises within the existing office/light industrial use is not required as the proposed development represents an enhancement of the site. The premises have been in the ownership of the applicant for over 40 years. The ground floor of No. 67 Aspenlea Road has most recently been in use as a storage and distribution centre for Morgan's Dairy Ltd. The supporting statement clarifies that in the past 3 years, the office, storage and distribution function have fallen into virtual disuse now that the business has increased in scale, and consequently the business has now relocated to Surbiton, Surrey. The applicant has confirmed that all employees at the time of the move were retained by Morgan's Dairy. The existing office space at ground floor level, which is vacant, shares an entrance with



the first floor flat and one of the spaces does not benefit from any natural daylight. The storage and distribution to the rear of the premises is small and would require significant upgrades to bring it into line with requirements for a tenant in the future. The existing use of the site is now primarily residential.

3.7 The Office/ light industrial use related to the business operations of Morgan's Dairy has ceased function at 67-69 Aspenlea Road. The first floor of No. 67 Aspenlea Road and all of No. 69 Aspenlea Road remain in residential use. The internal layout of the premises are restrictive and parts of the property are in a poor condition. Significant refurbishment works would be required in order to modernise the premises to bring it back into a marketable commercial use.

3.8 Officer's have reviewed the marketing statement submitted by the applicant and raise no objections to the loss of the Office/light industrial use. The continued underuse of this employment site has no clear benefit to the local economy. The loss of the B1 premises in this case would be acceptable, in accordance with Policies LE1 of the Core Strategy and DMB1 of the DMLP.

#### Residential Use:

3.9 The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 3.3 (Increasing London's Supply of Housing) of the London Plan and Core Strategy Policy H1 (Housing Supply) sets minimum borough targets for housing provision up to 2021. The policies specifies a 10 year minimum target for LBHF of 10,312 dwellings, and an annual monitoring target of 1,031 dwellings. This is supported by Policy DM A1 of the Development Management Local Plan (DM LP) which will seek to exceed the London Plan housing target by seeking housing on both identified and windfall sites and as a result of change of use. The development seeks to create 6 residential units, resulting in a net gain of 4 new residential units for the borough.

3.10 Core Strategy Policy H4 and 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. In particular, there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. However, the precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services.

3.11 The proposed scheme would provide 2 one bed units and 4 two bed units. This mix remains the same as the previously refused scheme which was considered on appeal, to which the Inspectorate has no objections. Whilst are no family units proposed, this is a relatively modest scheme, physically constrained by its small footprint and close proximity to neighbouring properties. Providing larger units with sufficient external amenity space without having adverse impact on the living conditions of neighbouring properties is likely to prove challenging.

#### Density

3.12 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.

3.13 The site is located in Public Transport Accessibility Level (PTAL) 5 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 (Hrh).

3.14 The proposed development site comprises 0.0184 hectares and would provide space for 22 habitable rooms which would result in a residential density of 1,195 hr/ha, which is above the density range stipulated in the London Plan.

3.15 The Mayor's Housing SPG under section 1.3 explores 'Optimising Housing Potential' with regards to higher density developments and states that in areas with particularly high accessibility, consideration should be given to capitalising on this to make higher density provision for smaller households and realising new opportunities for intensification based on improvements in public transport accessibility.

3.16 In addition, in determining the appeal on the previous refused scheme, the Inspectorate acknowledged that "The London Plan further states that higher density provision for smaller households should be focussed on areas with good PTAL ratings. The proposed development would provide for smaller two bedroom units and it has a PTAL rating of 5. Furthermore, the appeal site is within a short walking distance of a range of services on Fulham Palace Road that would meet the day to day needs of residents. It is for these reasons that I do not find that harm would arise out of the density of the proposed development."

3.17 The scheme has adopted a design led approach in optimising the housing potential of this site. The proposed scheme is considered to be of appropriate scale and massing, providing well proportioned residential units whilst optimising the potential of the site.

Affordable Housing:

3.18 Core Strategy (2011) policy H2 requires affordable housing to be provided on sites where a development provides, or is capable of providing, 10 or more newly built self-contained residential units. The proposed development would only create six residential units, and is below the threshold for which affordable housing is normally a requirement. The site is not capable of providing 10 or more units, without increasing the bulk of the development, which in turn would likely have an adverse impact on the appearance of the surrounding area and residential amenity. In this instance the non-provision of affordable housing is considered acceptable by officers.

DESIGN:

3.19 Relevant local policies concerning the design of the proposed development are policy BE1 and of the Core Strategy (2011) and policy DM G1 of the DMLP (2013).

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

3.21 Policy DM G1 of the DMLP (2013) seeks to ensure that new build development are to a high standard of design and compatible with the scale and character of existing development and its setting.

3.22 The application site fronts Aspenlea Road and comprises a pair of two storey properties, which incorporate a traditional butterfly roof behind a parapet. The properties are sandwiched between the relatively modern Kennedy Research Institute to the north and a two storey residential dwelling with pitched roof to the south (71 Aspenlea Road). The rear of the site fronts Lurgan Avenue and incorporates two shutter openings at street level, which add little to the visual amenity or character of the street. Above this at first floor level, dilapidated timber fencing is visible which encloses the flat roof of the properties below. The rear of the properties fronting Lurgan Avenue are considered to be of little architectural merit and detract from the general townscape.

3.23 The proposal involves the demolition of the existing buildings, and the redevelopment of the site to provide a part two part four storey residential building. The main difference between the application scheme and the previously refused application is the removal of the basement accommodation and lightwells together with the black facing brick. Where there was previously a lightwell proposed for each ground floor unit, this has been removed, and now a terrace space is proposed instead.

#### Demolition

3.24 Officers raise no objection to the demolition of the existing buildings. The pair of buildings on the site are not of architectural or historic interest. The rear of the site (Lurgan Avenue elevation), makes no positive contribution to the appearance of the area. The properties are not located in a conservation area, nor are they locally or nationally listed and are not protected under existing policies.

3.25 It is proposed to develop the replacement building across the full foot print of the site. The development will incorporate a main shoulder height of two storeys viewed from both Aspenlea Road and Lurgan Avenue elevations.. The two storey base of the building is emphasised by the use of elongated brick width and extra deep brick string courses. An active frontage will be created at street level by the residential entrances on both Lurgan Avenue and Aspenlea Road which would enhance the character and townscape of this section of Lurgan Avenue.

3.26 The building will incorporate double pitched roof installed above the brickwork base to accommodate the duplex units. The gable ends of the roof will be clad in a 'Kebony' timberwork providing a warm tobacco colour initially weathering to a silvery grey after several years, providing an interesting contrast from the brickwork below. The mass of the second and third floors are reduced by containing these levels within the pitched roof which presents gable ends to both Aspenlea Road and Lurgan Avenue, and slopes away at a 30° pitch from the boundary abutting the rear gardens of 61-67 Greyhound Road. The pitched roof will be clad in dark Marley Eternit slates and the

dormer, set in 1.4 metres from the southern elevation of the building, will be clad in eternit cement boards in a dark grey colour. The dormer window facing the rear of Greyhound Road will be obscure glazed to protect the privacy of neighbouring occupiers.

3.27 The fenestration will add visual interest to the building, which is read as a contemporary development, with clean lines and contrasting materials from street level to roof level. At street level, fixed frameless glazed windows are incorporated, alongside a terrace space for the individual units. The first floor windows will be black powder coated aluminium top hung set into chamfered reveals that add shadow and depth to both elevations. The glazing at roof level is in the form of large aluminium framed sliding doors, serving the terraces, and a smaller window above, set into the timber façade.

3.28 The shared entrance for Flats 2 - 6 will be accessed off Aspenlea Road and will be recessed from main elevation. On Lurgan Avenue, Flat 1 will benefit from a private access door, recessed under the first floor level slab. The terrace space at ground floor and first floor levels will be enclosed to the front elevation by metal railings which is considered an appropriate and will assimilate in to the elevational appearance.

3.29 The Council refused the previous scheme on the basis of its appearance. However, the Planning Inspector disagreed with the Council's view and considered that:

"The proposed building would be a marked contrast to local architectural styles but deliberately so. It would be an example of a modern approach using bold shapes and contrasting materials but it should not be resisted purely on these grounds. Particularly in light of the assertions of paragraph 60 of the Framework. It would be larger in scale than the existing but compact in its overall spread and thus contained within the site. It would be no taller at its highest point than the abutting building to the north. The proposed building would be by no means the largest or tallest in the street scene or wider area given the close proximity of a multi storey block of flats and the complex of buildings associated with the hospital. For these reasons, I do not consider that the proposed development would be harmful to the character and appearance of the area. As such, there would be no conflict with Policy BE1 of the Core Strategy or Policy DM G1 of the Local Plan. These Policies, amongst other things and along with section 7 of the Framework, seek to ensure that new development is of a high quality and contextually appropriate design and appearance that respects character and townscape."

3.30 In light of the Planning Inspector's comments and the revisions to the current scheme, the development is now considered to be visually acceptable.

3.31 The development would accord with Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policy DM G1. The final details of the materials to be used in the external appearance of the building shall be conditioned for future approval.

## QUALITY OF RESIDENTIAL ACCOMMODATION

3.32 Housing quality is a key consideration in the assessment of applications for new developments. The London Plan Policy 3.5 seeks the delivery of new housing that is of a high quality of design. The Mayor has prepared Supplementary Planning Guidance on 'Housing' provides detailed guidance on the design of new housing to ensure that new

developments are of the highest quality and make a difference to the quality of life of new residents.

3.33 Under Borough Wide Strategic Policy H3 within the Core Strategy (2011) the Council expect all housing developments to provide a high quality residential environment, meet satisfactory internal and external space standards, and provide a good range of housing types and sizes.

3.34 DMLP (2013) Policy DM A2 requires 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. DMLP (2013) Policy DM A9, entitled 'Detailed Residential Standards' seeks to ensure that the design and quality of all new housing is of a high standard.

Size of Units

3.35 All the proposed units would meet or exceed recommended minimum floor areas at set out in the Mayor of London's Housing Supplementary Planning Guidance.

Aspect/Outlook/Daylight:

3.36 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.'

3.37 The previously refused application was considered to provide sub standard accommodation due to the basement level which served habitable bedrooms for Flat 1 and Flat 2. This basement level has now been removed from the scheme. Each unit now benefits from having good outlook from the main habitable space within that unit, and overall, every unit is considered to provide a satisfactory living environment in terms of outlook and daylight.

3.38 All of the habitable rooms within each of unit would have access to suitably sized windows which should ensure that the proposed residential units are well lit. In terms of aspect, no unit would have a northerly orientation, and all flats will benefit from an eastern or western orientation, looking onto Aspenlea Road or Lurgan Avenue respectively. As all the proposed dwellings would exceed the minimum dwelling size requirements of Policy 3.5 of the London Plan, are not exclusively north facing or 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.

External Amenity Space

3.39 The 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.

3.40 The previously refused application was not considered to provide appropriate amenity space for units 1 and 2, which were given lightwells as their amenity space. Flats 3 and 4 would have no access to outdoor space of their own and there would be a stretch of balcony accessible by flats 5 and 6. There would be no communal outdoor space provided. In deciding the appeal, the Inspectorate stated the following with regards amenity space: "I note the proximity of public open space to the appeal site and agree with the appellant that the expectation for private outdoor space is different to single occupancy dwellings in larger plots. Housing Policy 1 of the Planning Guidance SPD2 sets out the amenity space requirements for new dwellings. The emphasis of the policy is on such being appropriate to the type of housing being provided. The proposed development would provide six two bedroom flats and would not therefore be aimed at family living. With the above factors and the aims of this policy in mind, the provision for accessible outdoor space is deemed acceptable."

3.41 The scheme has since been revised and now provides private amenity space for each unit. The basement level has been removed from the scheme. The amenity space for Flats 1 and 2 is considered to be acceptable given it would be an enclosed space at ground floor level measuring 3.6 sq.m (Flat 1) and (4.4 sq.m (Flat 2). The other units would have access to adequate private amenity space at first and second floor levels which will add to the standard of accommodation being provided.

3.42 Given the Inspector's assessment of the previous scheme, and the reconfigured layout with an improved provision of private amenity space, it is considered the scheme now includes satisfactory provision for amenity space.

#### Access Matters

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

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

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

3.46 Of the six units proposed, Flat 1 accessed off Lurgan Avenue would be provided with step-free access to the entrance level compliant with Part M4(2). Flat 2 is not step free due to the 150mm step up from Aspenlea Road and the remaining 4 flats would not have level access due to their location on the upper floors. In order for these flats to also achieve compliance a lift would need to be provided. The buildings are only three and four storeys high, however, and the costs of providing a lift in a scheme with only six flats would place a strain on the viability of the development, and would also have an impact on service charges to future residents. In light of this no objection is raised by officers.

#### Fire Safety:

3.47 The implementation of means of warning and escape, internal fire spread (linings), internal fire spread (structure), external fire spread and access and facilities for the fire service are issues covered under Part B of the Building Regulations 2010. Building Regulations are statutory instruments that seek to ensure that the policies set out in the Building Act 1984 legislation are carried out. The cladding would be checked under the Building Regulations.

#### Noise disturbance to new units

3.48 The Housing SPG Baseline Standard 5.3.1 and London Plan Policy 7.15 state that the layout of adjacent dwellings and the location of lifts and circulation spaces should seek to limit the transmission of noise to sound sensitive rooms within dwellings. This policy is supplemented by DM Local Plan Policies DM A9 and DM H9, both of which seek to ensure that development does not result in noise and disturbance to existing and future occupiers. Conditions are recommended to ensure that the residential units are appropriately insulated to prevent noise and vibration transmission both within the site and from outside of the site.

3.49 On both Aspenlea Road and Lurgan Avenue elevations, a bedroom is proposed at ground floor level adjacent to the front entrance. Whilst this is not ideal, the roads are mostly residential in their character, and on the opposite side of the road there are habitable room windows adjacent to the footway. The overall quality of living accommodation provided in these flats is acceptable.

3.50 On balance, the proposed development is considered to provide a good standard of accommodation for future occupiers. The residential units are generously sized, their rooms sizes are acceptable, have reasonable floor to ceiling heights and the main living spaces would have good access to sunlight, daylight and aspect.

#### Secure by Design

3.51 London Plan Policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment. Policy BE1 of the Core Strategy and policy DM G1 of the DM Local Plan, 2013 requires proposals to meet 'Secured by Design' requirements. This is recommended to be secured via condition.

## RESIDENTIAL AMENITY

3.52 Policy DM G1 and A9 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, and privacy.

3.53 The previously refused application was considered to be an unneighbourly development due to the loss of daylight for the residential occupiers of No's 63, 65 and 67 Greyhound Road. However, the Planning Inspector disagreed with the Council stating: "The proposed building would be taller and of greater bulk and mass than the existing, but no closer to the rear elevations of properties that front Greyhound Road to the south of the appeal site. I acknowledge that rooms serving living spaces in the aforementioned properties would face the proposed development. The roof slope of the proposed building would be angled away from the rear elevations and as such any effect that the increase in height of built form would create would be mitigated to the point that no overbearing or loss of light would occur. In effect, a generous separation distance between the proposed building and the properties that face Greyhound Road would be maintained. I do not therefore consider that the proposed development would be unneighbourly or in any way exacerbate any existing sense of enclosure. As such no adverse effects on the living conditions of existing occupiers would occur."

3.54 There has been no change to the overall height, massing and scale of the development since the previously refused application. The scale and proximity of the development in comparison with the height of the existing buildings, structures and boundary walls, relative to the proximity of surrounding properties, is central to this assessment. The new building will be sited perpendicular to the rear boundaries of No's 61-67 Greyhound Road and will adjoin the flank wall of No. 71 Aspenlea Road (similar to the existing arrangement). This terrace incorporates a variety of rear building lines and No's 63, 65 and 67 Greyhound Road have each been split into flats.

### Daylight and Sunlight:

3.54 Officers have had regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice".

3.55 A daylight and sunlight report has been submitted with the application. The applicants have assessed the impact of the proposals on the adjoining properties by reference to the BRE guidance, recognising that the guidelines are not intended to be mandatory, or applied in strict calculation terms. The report assessed the potentially affected windows surrounding the site including 61- 67 and 75 Greyhound Road and 58 - 59 Aspenlea Road. Officers have re - examined the scheme with regards to the Daylight and Sunlight report and found there to be no harm to neighbours and therefore there are no grounds for withholding consent on this issue.

3.56 Officers have re - examined the scheme with regards to the Daylight and Sunlight report and found there to be no harm to neighbours and therefore there are no grounds for withholding consent on this issue. Taking into account the view of the Planning Inspectorate and the above assessment, into consideration, Officers are satisfied that the proposal will have a negligible impact on the amenities of residents in the neighbouring properties.



Outlook from neighbouring properties:

3.57 The previously refused application included 'increased sense of enclosure' as one of the reasons for refusal. As stated in para 3.53 above, the planning Inspector disagreed with the Council's view on this matter. There is no change to the massing as a result of this resubmission of the scheme.

3.58 The properties with the potential to be most affected by the proposed development are those at No. 61 - 69 Greyhound Road. The rear elevation of this terrace does not currently benefit from high levels of open outlook, particularly at basement and ground floor levels. At No. 67, the rear garden has been almost entirely infilled and a high level wall adjoins the garden of No. 65 Greyhound Road. The highest point of the flank wall adjoining these rear gardens will be 7.6 metres high, compared to the highest point of the existing flank wall which is 7.1 metres. Following a site visit to both the application site and the rear garden of the basement/ground floor of No. 65 Greyhound Road, Officers do not consider that the development would result in a detrimental loss of outlook or increased sense of enclosure to the occupiers of No's 61-69 Greyhound Road, given the existing close proximity of the application site and neighbouring properties.

Privacy

3.59 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.

3.60 Screening at a height of 1.8 metres will be installed on the southern side of the terraces at second floor level in order to prevent overlooking to the neighbouring windows/gardens of Greyhound Road. A condition will be attached to ensure the screening to the terrace is obscure glazed.

3.61 At roof level the dormer will incorporate two windows which would be approximately 9.7metres from the of the properties at 61 - 67 Greyhound Road. These windows serve stairwells and afford limited opportunity for overlooking. However, a condition has been added to ensure that they are obscure glazed to prevent overlooking.

Noise and disturbance

3.62 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) states 'planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance.'

3.63 It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed outdoor amenity spaces backing onto the properties fronting Greyhound Road. However, on balance, having regard to the size of the proposed terraces at second ranging from no more than 12 sq.m down to 3.6 sq.m, it is not considered that the use of these spaces would be likely to harm the amenities of adjoining occupiers as a result of additional noise and disturbance that

would justify refusing planning permission. The proposal is therefore considered to be acceptable under Policy DM H9.

#### Impact on Highways and parking

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

3.65 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.

3.66 Core Strategy Policy T1 supports the London Plan. Policy J1 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 DM LP 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.

3.67 The proposal would result in six new residential units. The site is located in a PTAL 5 area, which indicates good levels of public transport accessibility. No off-street car parking is provided as part of the scheme, in accordance with Policy DM J2. New units with between 1 and 2 bedrooms should have less than 1 car parking space per unit. In order mitigate any unacceptable impact on the existing amenities of local residents as a result of increased on-street car parking stress there is no off-street parking proposed as part of this scheme. In line with this policy, all of the proposed new residential should be permit free. This will be secured by conditions 23 to 25 (inclusive).

#### Cycle parking

3.68 Policy DM J5 requires the provision of cycle storage facilities within the development. Based on the creation of 6 new 1 and 2 bedroom units, a minimum of 6 safe and accessible storage spaces are required. The applicant has submitted details of cycle parking spaces to be located at basement level. A further cycle parking space will be provided internally for Flat 1 fronting Lurgan Avenue. The cycle parking arrangements are considered to be satisfactory. This detail is secured under condition 17.

#### Refuse storage

3.69 London Plan Policy 5.16 outlines the Mayor's approach to waste management. This is supported by Core Strategy Policy CC3, and Policy DM H5 of the Development Management Local Plan 2013 sets out the Council's Waste Management guidance, supported by SPD Sustainability Policy 3, 4 and 6 which requires suitable storage space for refuse and recycling to be provided. It is not acceptable for waste material to be left on the highway for extended periods of time.

3.70 The previously refused application included inadequate refuse storage management plan as a reason for refusal. The Planning Inspectorate determined that "a suitable scheme for the storage and collection of refuse could be secured by a suitably worded planning condition."

3.71 The refuse storage for five of the units will be located at basement level. A further bin storage area for Flat 1 which will be located adjacent to the entrance of the property off the footway of Lurgan Avenue. Officers are satisfied that there is sufficient space within these areas for the satisfactory storage of refuse. Further details on how this waste would be collected from the individual bin stores and made available for collection is recommended to be secured via condition. Conditions 15 and 16 are attached to ensure the refuse storage is implemented before the use is occupied and is maintained for the life of the development.

3.72 Demolition and Construction Management Plan (CMP) and Construction Logistics Plan (CLP) would be required to ensure that there is no harmful impact on neighbours and on the local highways network. The Demolition and CMP shall include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The CLP shall be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. Conditions 3 and 4 are attached to secure this detail.

#### Excavation

3.73 No excavations are permitted under the public highway without specific consent from the highway authority. The Party Walls Act of 1996 requires due notification and subsequent agreement by any neighbouring parties before changes to boundary walls or excavation.

#### Kerb Restoration

3.74 As a result of the redevelopment of the site, vehicle access into the rear of the site from Lurgan Avenue which currently exists would no longer be required. As such, in order to secure funds for the removal the existing dropped kerb and making good of the carriageway and pavements on both Lurgan Avenue and Aspenlea Road, the development will include the conditioning of section 278 works to repave and adjust the curb lines on both sides of the property. This is secured under condition 26.

#### Flood risk/SUDS

3.75 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.

3.76 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. These are also supported by DM LP Policy DM H3 and SPD Sustainability Policies 1 and 2.

3.77 This site is in the EA's Flood Zone 3. This indicates a high risk to flooding from the Thames although this does not take into account the high level of protection provided by flood defences in the form of the Thames Barrier and local river wall defences. If these defences failed or were breached, the site is not in the EA's Rapid Inundation Zone, meaning that the site would not be impacted. In terms of surface water, the site is not considered to be at high risk of flooding during an intense storm and it is not in a flooding hotspot where there is significant hazard from flood waters.

3.78 As required, a Flood Risk Assessment (FRA) has been provided with the application. This has been supplemented by a Geotechnical, Hydrogeological and Land Contamination Assessment and a flood risk and SUDs section in the Design and Access Statement. The FRA includes the following information that there will be raised solid concrete floors, lime plaster, a dry escape route, high level electrical services, no airbricks. The report also states that a copy of the FRA will be provided to new owners and they will be encouraged to sign up to the EAs Flood line warnings direct. In terms of the basement the Geotechnical, Hydrogeological and Land Contamination Assessment states the basement should be fully waterproofed in accordance with BS8 8102:2009 Code of Practice for below ground structures against water from the ground. The information provided is considered to be acceptable. Conditions 21 and 22 would secure the above details.

3.79 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) and also the use of water efficient fittings and appliances. SuDS measures should be integrated where possible e.g. by maximising permeable surface areas, making any proposed areas of hard surface permeable unless there are practical reasons for this not being possible and also including rainwater harvesting systems to collect rainwater for re-use for irrigation or other uses. the FRA notes that a rainwater harvesting system is under consideration although no further details are provided. Inclusion of such a system is in line with the requirements of DM H3, and a condition will be added requiring the submission of further details on how surface water will be managed for the new development using rainwater harvesting or other sustainable drainage systems (SuDS).

#### Energy and Sustainability

3.80 As the development consists of fewer than 10 residential units, it is not necessary for it to meet the sustainability and carbon reduction requirements (40%) specified in the London Plan, nor is detailed supporting information required with the application outlining the sustainable design and construction measures to be included in the new building.

## Land Contamination

3.81 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.

3.82 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions 29-34 (inclusive) are attached in order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

### Air Quality:

3.83 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.

3.84 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 and an Air Quality Dust Management Plan. These details will be secured by conditions 27 and 28.

### Mayoral CIL:

3.85 This development will be subject to a London-wide community infrastructure levy, charged at a rate of £50 per square metre for additional floorspace in Hammersmith & Fulham. The amount charged will contribute towards the funding of Crossrail, and further details are available via the GLA website [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the Council, as the Collecting Authority to secure the levy in accordance with the London Plan Policy. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

### Local CIL:

3.86 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.

## 4.0 CONCLUSION AND RECOMMENDATION

4.1 Given the recent appeal decision, together with the amendments that respond to the Inspectors conclusions, officers consider that the proposal would not harm 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.

## 5.0 RECOMMENDATION

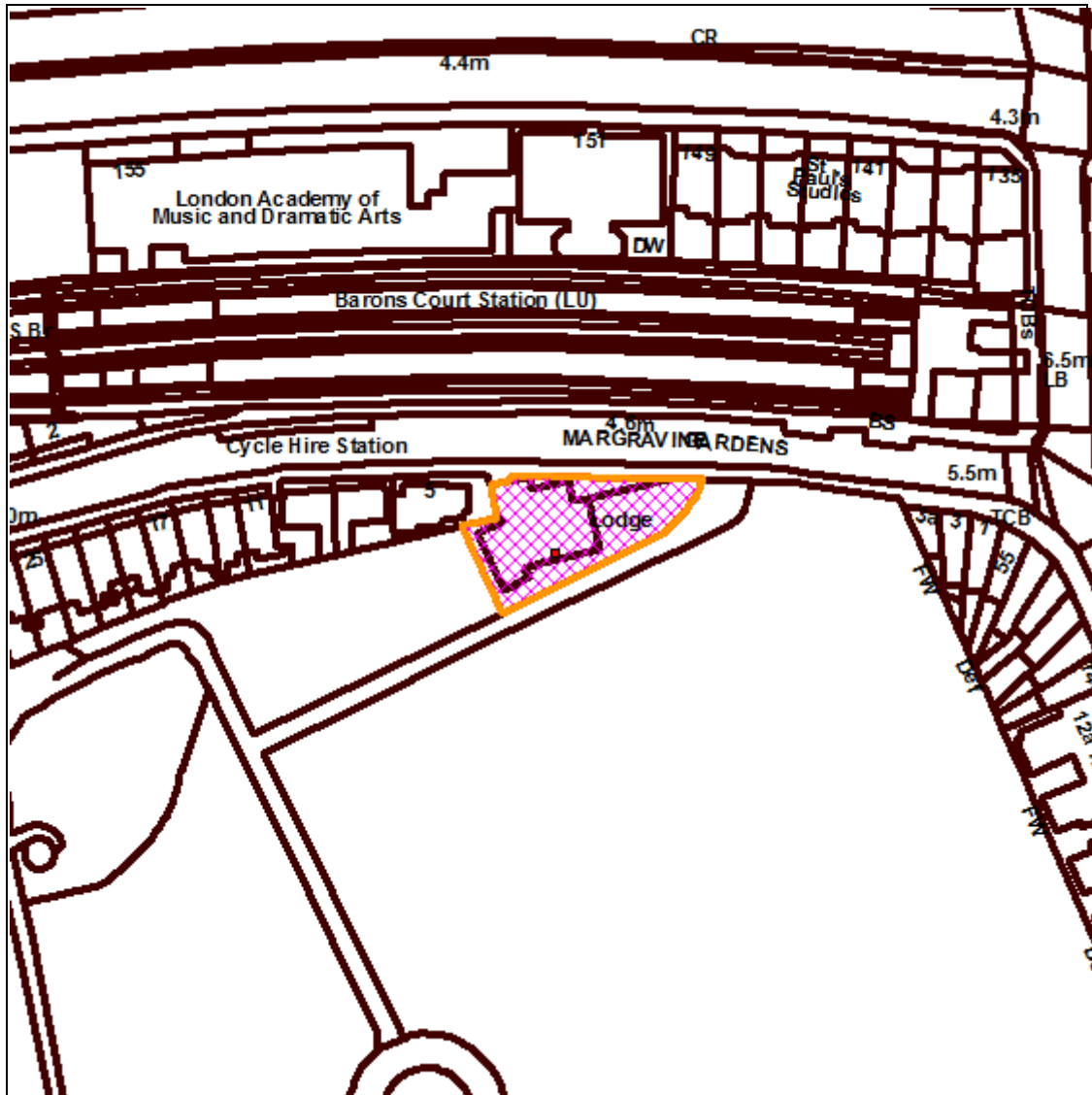
5.1 For the above reasons, it is recommended that planning permission is granted subject to conditions outlined in the report.

5.2 To authorise the Lead Director for Planning & Development in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions as drafted to ensure consistency.

**Ward:** Fulham Reach

**Site Address:**

North Lodge Hammersmith Cemetery Margravine Gardens  
London W6 8RL



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

**Reg. No:**  
2017/02174/FUL

**Case Officer:**  
Sian Brown

**Date Valid:**  
06.06.2017

**Conservation Area:**  
Baron's Court Conservation Area - Number 27

**Committee Date:**  
10.10.2017

**Applicant:**

Mr Andrew Robinson

North Lodge Hammersmith Cemetery Margravine Gardens LONDON

W6 8RL

**Description:**

Erection of a single storey rear extension following partial demolition of the existing single storey back addition; excavation under the footprint of the building to form lightwells in connection with the creation of a new basement; erection of new external staircases from basement to ground floor level; associated landscaping.

Drg Nos: Flood Risk Assessment, Version 01, dated 13.12.16, by Price and Myers; 577\_A\_DRW\_08\_008 P2; 577\_A\_DRW\_08\_010 P2; 577\_A\_DRW\_08\_011 P3; 577\_A\_DRW\_08\_100 PL3; 577\_A\_DRW\_08\_102 P2; 577\_A\_DRW\_08\_103 PL1; 577\_A\_DRW\_08\_104 P2; 577\_A\_DRW\_08\_105 PL1; 577\_A\_DRW\_08\_106 P2; 577\_A\_DRW\_08\_108 P2; 577\_A\_DRW\_08\_109 PL1

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: 577\_A\_DRW\_08\_008 P2; 577\_A\_DRW\_08\_010 P2; 577\_A\_DRW\_08\_011 P3; 577\_A\_DRW\_08\_100 PL3; 577\_A\_DRW\_08\_102 P2; 577\_A\_DRW\_08\_103 PL1; 577\_A\_DRW\_08\_104 P2; 577\_A\_DRW\_08\_105 PL1; 577\_A\_DRW\_08\_106 P2; 577\_A\_DRW\_08\_108 P2 and 577\_A\_DRW\_08\_109 PL1

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy BE1 of the Core Strategy (2011) and Policies DM G3 and DM G7 of the Development Management Local Plan (2013).

- 3) The development hereby permitted shall not commence until details and samples of all external materials, including of brickwork demonstrating the brick colour, bond, pointing style, mortar colour have been 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, to preserve the character and appearance of the conservation area, and



the setting and special architectural and historic interest of the adjacent locally listed buildings in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM G3 and DM G7 of the Development Management Local Plan (2013).

- 4) The form and dimensions of the lightwells, at basement and ground floor level, shall not exceed those shown on the approved drawings.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy (2011) and Policy DM G3 and DM G7 of the Development Management Local Plan (2013) and the Council's SPD Guidelines for Lightwells of the Planning Guidance Supplementary Planning Document (2013).

- 5) The basement floorspace hereby approved shall only be used in connection with, and ancillary to, the use of the remainder of the application property as a residential dwelling. The basement accommodation shall not be occupied as a self-contained flat that is separate and distinct from the use of the remainder of the application property as a residential dwelling.

The use of the basement accommodation as a self-contained flat, separate from the use of the remainder of the application property as a dwelling, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies DM A1, DM J2 and DM H11 of the Development Management Local Plan (2013), and Policy 9 of the Planning Guidance Supplementary Planning Document (2013).

- 6) No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected on the roof of the extension hereby permitted.

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

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM G3 and DM G7 of the Development Management Local Plan (2013).

- 8) No alterations shall be carried out to the external appearance of the extension hereby approved, 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 G3, DM A9, DM H9 and DM H11 of the Development Management Local Plan (2013).

- 9) The development hereby permitted shall not be occupied until the new windows at ground floor level to the extension hereby approved have been installed fixed shut with "One way" smoked glass, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the windows shall be retained in the form approved.

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

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

To ensure a satisfactory external appearance and so that the use of the building does not harm the amenities of the existing neighbouring residential properties as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM G3, DM A9, DM H9 and DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 (ii) and (iii) and SPD Amenity Policy 25 of the Planning Guidance Supplementary Planning Document (2013).

- 11) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in Flood Risk Assessment, Version 01, dated 13.12.16, by Price and Myers, 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).

- 12) The development hereby permitted shall not commence until further details of a Sustainable Urban Drainage System (SUDS), including confirming how water could also be collected on site for re-use in the garden have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To 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).

- 13) 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.

- 14) 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.

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

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

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

- 18) 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.

- 19) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide details on all structures
  - accommodate the location of the existing London Underground structures and tunnels
  - accommodate ground movement arising from the construction thereof
  - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Condition requested by Transport For London (TFL) to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan (2016) Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

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

- 1) 1. Design and heritage: The replacement extension and enlarged basement would not inflict harm on the special interest of the Building of Merit or to the character and appearance of the conservation area or the setting and character of the cemetery. Subject to conditions requiring the submission of final details of

materials the proposal complies with NPPF (2012), Policies 7.1, 7.6 and 7.8 of the London Plan (2016), Policy BE1 of the Core Strategy (2011), Policies DM G3 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 21 and 44 of the Planning Guidance Supplementary Planning Document (2013).

2. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of 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 G3 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

3. 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 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).

4. 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 (2016), Policy CC4 of the Core Strategy (2011), Policies DM H7 and DM H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance Supplementary Planning Document (2013).

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

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 26th May 2017

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:**

Transport For London - Land Use Planning Team

#### **Dated:**

16.06.17

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

NAG	08.07.17
NAG	08.07.17
Flat A Ground Floor 98 Claxton Grove London W6 8HE	10.07.17
NAG	10.07.17
Flat 3 7 Comeragh Road London W14 9HP	14.06.17
45 St Dunstons Road London W6 8re	10.07.17
25 Margravine Gardens London w68rl	11.07.17
9 La Trigale Alderney GY9 3TZ	18.07.17
North Lodge London W6 8RL	10.07.17
49 Palliser Road 49 Palliser Road London W14 9EB	10.07.17
35 Margravine Gardens London W6 8RN	14.06.17
17 Margravine Gardens Barons Court London W6 8RL	15.06.17
17 Margravine Gardens Barons Court London W6 8RL	06.09.17
32 Vereker road London w14 9js	10.07.17
114 Claxton Grove London W6 8HE	14.09.17
5 Margravine Gardens London W68RL	10.07.17
53 Margravine Gardens London W6 8RN	16.06.17
flat 13 charlotte house Queen Caroline street London w6 9bu	10.07.17
Fulham Society 1 London SW6 7BN	13.07.17
40 Spencer Mews Hammersmith W6 8NT	25.06.17
79 St Dunstons Road	20.09.17
57 Beryl Road Hammersmith London W6 8JS	07.07.17
11 Crabtree Hall Rainville Road London W6 9HB	10.07.17
21 Palliser road barons court London w14 9eb	10.07.17
NAG	10.07.17
NAG	10.07.17
NAG	17.07.17
71 Margravine Gardens LONDON w6 8rn	16.06.17
17 MARGRAVINE GARDENS LONDON W6 8RL	22.06.17
17 MARGRAVINE GARDENS LONDON W6 8RL	14.09.17
18 Livingstone Mansions Queen's Club Gardens W14 9RW	30.09.17
42 Margravine road London w6 8ha	26.06.17
19 Palliser Road London W14 9EB	07.07.17
NAG	10.07.17
25 Margravine Gardens London W6 8RL	11.07.17
3 Normand Gardens Greyhound Road London W14 9SB	11.07.17
9 la Trigale Alderney GY9 3TZ	11.07.17
Flat 20, Palliser Court Palliser Road London W14 9ED	18.06.17
71 Margravine Gardens London W6 8RN	14.09.17
45 St Dunstons Road London W6 8RE	10.07.17
45 St Dunstons Road London W6 8RE	10.07.17
15 Palliser Court Palliser Road London W14 9ED	11.07.17
Flat One 98, Baron's Court Road London W14 9DX	11.07.17
17 Margravine Gardens London W6 8RL	13.07.17
5A Margravine Gardens Barons Court W6 8RL	25.06.17
5 Margravine Gardens London W68RL	10.07.17
West Lodge Margravine Road LONDON W6 8HA	03.07.17
Flat 23 5 Siddons Lane London NW1 6EH	10.07.17
7 Margravine Gardens London W6 8RL	12.07.17

21 Margravine Gardens Barons Court London W 6 8RL	10.07.17
21 Margravine Gardens Barons Court London W 6 8RL	10.07.17
21 Margravine Gardens Barons Court London W 6 8RL	10.07.17
2 St Dunstans Road London W6 8RB	11.07.17
100 Greyhound Road Hammersmith W6 8NT	25.06.17
45 Margravine Gardens London W6 8RN	28.06.17
54 ST. DUNSTANS ROAD LONDON W6 8RA	13.09.17
NAG	06.07.17
71 Margravine Gardens London W6 8RN	18.09.17
15 Palliser Court Palliser Road London W14 9ED	26.09.17
32 Vereker road London w14 9js	06.07.17
9 la Trigale Alderney GY9 3TZ	11.07.17
2nd Floor Flat 12 Vereker Rd London W149JR	10.07.17
5 Margravine Gardens London W68RL	17.07.17
Flat 4 1 Challoner Crescent London W14 9LE	12.07.17
28 Gledstanes Road West Kensington London W14 9HU	16.06.17

## OFFICER REPORT

### 1.0 BACKGROUND

1.1 This application relates to a single family dwelling house, originally used as a lodge, located on the northern side of Hammersmith Cemetery, adjacent to the entrance from Margravine Gardens. Hammersmith Cemetery is identified as an Open Space of Borough-wide Importance although this designation does not include North Lodge itself. However, the Lodge, the cemetery walls and gates are on the Council's Local Register of Buildings of Merit. The Lodge is also located within the Baron's Court Conservation Area.

1.2 The original lodge building is single storey with a steeply pitched roof and has a rectangular footprint. A single storey flat roofed extension has been added at the rear.

1.3 The lodge was previously used as accommodation for cemetery staff and the adjoining mess room by the council's Direct Services Department. In 2004, the site was deemed surplus to Council requirements and in 2006, permission was granted to convert the Lodge into a single family dwellinghouse.

#### 1.4 Relevant Planning History:

In 1948 planning permission was granted for the erection of a single-storey mess room next the North Lodge at Margravine Cemetery, Margravine Road, Fulham, and the provision of sanitary accommodation and a living room for the gardeners and attendants.

In 2005 planning permission was granted for the erection of a single storey rear extension following the demolition of the mess hall, the creation of new vehicular access onto Margravine gardens and the erection of railings on the southern and western boundaries.

In 2006 planning permission was granted for the use of the lodge as a residential dwelling (Class C3), the erection of a single storey extension and other associated



works including the creation of new vehicular access onto Margravine Gardens and the erection of railings on the southern and western boundaries.

In 2013 planning permission was refused for the excavation of the rear garden to the side of the building and parking area to the front elevation to form lightwells in connection with the creation of a basement, and formation of external steps to the side elevation providing access between basement and ground floor levels. (2013/00675/FUL). This was refused on grounds of overdevelopment due to the extent of basement excavation. This was subsequently allowed on appeal. Excavation and underpinning works commenced on site prior to the Inspectorate approval's expiry date. Latest works on site include the excavation of the front driveway area, which are nearing completion

In June 2015 planning permission was refused for the erection of a rear roof extension, the erection of a rear extension at first floor level over part of the existing back addition, and the erection of brick and obscured glass around flat roof at first floor level in connection with its use as a terrace. (2014/06040/FUL). This application was refused on visual amenity grounds.

In March 2015 an application was withdrawn for the erection of a rear roof extension, the erection of a rear extension at first floor level over part of the existing back addition, the erection of a separate timber clad rear extension at first floor level over part of the existing back addition to be used as a terrace room, and the erection of a glazed screen around the remainder of the flat roof at first floor level in connection with its use as a roof terrace. (2015/00031/FUL). This application would have been refused on visual amenity grounds.

In July 2016 planning permission was refused for the erection of a rear extension at first floor level over the rear part of the existing back addition, the erection of a glazed screen around remainder of flat roof at first floor level in connection with its use as a roof terrace, and the erection of a single storey rear extension to the side of the existing back addition. (2016/01659/FUL). This was refused on grounds of visual amenity, and noise and disturbance and loss of privacy.

In March 2017 planning permission was refused for the erection of a part one, part two storey rear extension at ground and first floor level following partial demolition of the single storey back addition, the excavation under the footprint of the building to form lightwells in connection with the creation of a new basement, and the erection of new external staircases from basement to ground floor level; associated landscaping. (2016/05508/FUL). This was refused on grounds of visual amenity of the first floor extension and overdevelopment due to the extent of basement excavation.

1.5 The current application follows on from extensive pre-application discussions with officers. The proposal includes a smaller single storey rear extension with a more traditional brick design unlike the previous refusal. It is also proposed to modify the basement approved under planning application reference 2013/00675/FUL to include a reduction to the height of the basement, alterations to the design of the lightwells and slight increase to the footprint.

## 2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

2.1 The application was originally advertised by site and press notices, and by individual notification letters sent to the occupiers of neighbouring properties. 68 responses were received, 18 in support and 50 letters of objections.

2.2 The reasons for objections can be summarised as follows:

- Overdevelopment of site;
- Issues of scale, height, and massing resulting in excessive, discordant, and over dominant addition;
- Proposed materials introduce an incongruous feature;
- Detrimental to the character and appearance of the Local Listed Building, Margravine Cemetery, and Conservation Area;
- Height of extension makes it visible from the cemetery;
- Damage caused to the 150 years old pedestrian entrance arch;
- Disrupt spacing between 5 and 5a Margravine Gardens;
- Overshadow garden of No.5 Margravine Gardens;
- Potential use of roof for amenity space and resultant loss of privacy to No.5 Margravine Gardens;
- Issues of privacy and overlooking to users of the cemetery;
- Light pollution at night;
- Use of the property for commercial uses rather than residential;
- Impact on local wildlife;
- Issues with removal of existing trees;
- Noise and disturbance during construction;
- Impact on highways; and,
- Issues with statutory consultation

2.3 In September 2017 the applicant presented the proposals to local residents to clarify the scheme. In response the proposals have been slightly modified to include a boundary with a slightly increased height which would increase the screening of the proposed extension from view. Subsequently the Council have received 51 representations, 47 plus one petition containing 12 signatures in support and 3 letters of objection. The grounds of objection reflect those stated under paragraph 2.1.

2.4 Friends of Margravine Cemetery invited its members to state whether they supported, objected against, or were neutral to the proposal development. 21 written responses were received: 6 in support, 6 neutral and 10 in objection. The reason for objection related to visual amenity; the additional height; design of the windows; and intrusion into the cemetery for its users.

2.5 The Hammersmith and Fulham Historic Society acknowledge the current proposal is an improvement to the previous refusal, however maintain their concerns regarding views from the cemetery of the large windows. They would prefer the fenestration to be more in style with the lodge. There is also concern that the roof of the extension could in the future be used as a terrace which would overlook the cemetery.

2.6 TfL request a condition.

## 3.0 PLANNING CONSIDERATIONS

### DESIGN:

#### General policy background:

3.1 Among the core planning principles of the NPPF are that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

3.2 London Plan Policy 7.1 'London's Neighbourhoods' requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. London Plan Policy 7.4 'Local Character' requires development to 'have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.' London Plan Policy 7.6 'Architecture' relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'. 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.

3.3 Core Strategy Policy BE1 'Built Environment' requires 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. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

3.4 DMLP Policy DM G3 'Alterations and Extensions' builds on the above mentioned policies and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DM G7 'Heritage and Conservation' seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. SPD Design Policy 21 relates to Buildings of Merit.

#### Site and surrounding townscape:

3.5 The application relates to a former cemetery lodge on the Local Register of Buildings of Merit in the Barons Court Conservation Area. The building is adjacent to Hammersmith Cemetery which is a designated Open Space and a designated Nature Conservation Area.

3.6 North Lodge is a typical example of a Victorian cemetery lodge. The building has a domestic scale, appropriate to its original role as one of the smaller cemetery lodges at Hammersmith Cemetery. The property has previously been extended at the rear. The original cemetery boundary wall runs along the northern perimeter of the site while it is separated from the cemetery by a traditional high metal fence and planting. However, from the cemetery, only the sloping roof of the lodge and the upper part of the single-storey extension are visible behind the fence.

3.7 To the north of the site and quite close are a couple of unusual dwelling houses of which No 5 Margravine Gardens is designated as a Building of Merit. The application site is open to the grounds of the cemetery to the south and west which is regarded as an important open space in the local area.

Proposal:

3.8 The proposal seeks to replace the existing single storey extension with a slightly enlarged updated single storey extension, and to include alterations to the already approved basement excavation.

3.9 The height of the proposed extension would be extended by 800mm to match that of the existing parapet line of the single-storey part of the Building of Merit. The footprint would match that of the existing building. The installation of lightwells would be restricted to the western and south-western edge of the site where they would not be visible from public viewing points and not visible in context of the Building of Merit.

3.10 The new extension would be clad with matching brickwork at ground level and the existing decorative, white stucco string course above the window level would be continued across the southern and western elevations of the extension. The lightwell elevations would be part glazed, part brick clad. The distinctively modern element of the extension is the fenestration with large glass panes that would be installed flush with the brickwork. "One way" smoked glass is proposed to reduce the feel of overlooking within the cemetery. A floor to ceiling high glass panel would be installed between the new and the retained single-storey extension to mark a clear break between the two elements.

3.11 With the exception of a small roof light serving basement accommodation there would be a green roof across the single-storey structures which would replace an existing glazed roof.

Policy background with regard to the significance of affected heritage assets:

3.12 Consideration needs to be given to the character and appearance of the conservation area as a designated heritage asset, and to the loss of the building of merit as a non-designated heritage asset.

3.13 The issue of designation is an important one since it will affect which paragraphs in the NPPF, which of the Council's planning policies and which statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable in the assessment of the applications. The Council is required to undertake an assessment of the impact of the submitted proposals based on the significance of the heritage assets affected. In this case this relates to the impact of the proposal on both designated (Conservation Areas) and non-designated (Buildings of Merit) assets.

3.14 It is key to the assessment of the application that the decision making process is based on the understanding of specific duties in relation to conservation areas required by the relevant legislation. A conservation area is defined in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as an area 'of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. The Barons Court Conservation Area was designated in April 1989. The Council has produced a Conservation Area Appraisal for the conservation area which sets out the history of the area and its reason for designation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant and in relation to Conservation Areas it states that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.15 Paragraph 132 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....".

3.16 Paragraph 135 of the NPPF relates to the effect of an application on the significance of a non-designated heritage asset (Building of Merit) and states: "...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Heritage assessment:

3.17 The significance of each asset has been assessed in accordance with English Heritage's methodology for assessing "significance" as set out in 'Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment'.

Designated heritage assets - the conservation area:

3.18 The site lies within Barons Court Conservation Area. The conservation area is defined by the variety of residential developments which form cohesive groups and by the large open space of Hammersmith Cemetery. The latter defines the sub-area and the setting of the application site. The conservation area is significant for the early Victorian development of agricultural land to form a cemetery that would release pressure on smaller churchyards in London, and to create high quality residential suburbs around it. The conservation area is considered to have high historical, aesthetic and communal values that would be affected by the proposals.

Undesignated heritage assets:

3.19 The undesignated heritage assets affected by the proposals are the Buildings of Merit - North Lodge on the application site and No.5 Margravine Gardens. North Lodge was built in 1887 and is of modest design. It is located adjacent to the new cemetery gates in Margravine Gardens, and has a 1930s or 1940s flat-roofed extension to the

west and a separate single-storey mess room. The lodge and the mess room were later joined together by glazing over the yard between them. It has historical and aesthetic values by virtue of its relationship with the cemetery. No. 5 Margravine Gardens adjoins the application site to the north and was built in the 1880s as a single-storey building with a large studio space within a central, double-height gabled structure. It has historical and aesthetic values as an artist's house. In addition, the open space of the cemetery itself is considered to be an undesignated heritage asset, the setting of which would be affected by the proposals.

Impact of the proposals on the heritage assets:

3.20 The proposal includes the demolition of the mess room and of the 1930/40s extension to the main lodge behind the retained southern façade. The structure of the mess room is not considered to be of special historic or architectural interest and not included into the Building of Merit designation. Therefore its demolition is not considered to cause harm to the Building of Merit. The extension to the lodge is of related design and included into the designation. Its southern elevation would be retained as it would be visible in external views. The built fabric of the extension behind this elevation is not considered to be of historic interest and its demolition would not cause harm to the significance of the building.

3.21 The proposed extension is visible in the views from west and south-west in the cemetery which are the only views in the context with the historic lodge and the rear of No. 5 Margravine Gardens. The height of the replacement of the mess room structure would be raised 800mm to match the height of the extension to the lodge and its proposed modern expression would be clearly perceivable. However, the simplicity and sympathetic materiality of the design would ensure that the new extension would be read separately from the lodge while appearing subservient to it. The proposed basement lightwells at the western and southern site boundary would not be visible in context with the lodge and therefore not affect its setting. The roof and two chimneys of the lodge would remain the dominant features of the site in the views.

3.22 The rear elevation of No.5 Margravine Gardens is simple and of no special interest and its ground floor obscured by the existing structures on the site. The slightly raised height of the replacement extension would not inflict harm on the special interest of the Building of Merit in the views.

3.23 The proposed extension would be visible when seen from the cemetery. However, most of the extension would remain obscured by the proposed boundary treatment. The sympathetic materials and retained subservience of the proposed structure in relation to the lodge help to blend the development into its context. The development would not cause harm to character and appearance of the conservation area or the setting and character of the cemetery. Final details of the materials to be used in the extension will be conditioned for future approval (condition 3).

3.24 It is also proposed to modify the basement approved under planning application reference 2013/00675/FUL to include a reduction to the depth of the basement, alterations to the design of the lightwells and slight increase to the footprint. The proposed alterations would be modest and would not be visible in external views. It is not considered the proposed basement works inflict harm on the special interest of the Building of Merit or to the character and appearance of the conservation area or the setting and character of the cemetery.

## IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

3.25 DM LP Policies DM G3 and DM A9 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, and privacy.

3.26 In this case the key consideration is the impact to 5 Margravine Gardens. The proposal would be predominantly screened by the existing party boundary which would also be increased in height. Nevertheless the proposed extension would be only 0.8metres higher than the established building height and would be set in 2.5metres from the boundary adjacent to 5 Margravine Gardens. In this respect, it is not considered the proposal would cause harm to the occupiers of the adjacent property in terms of loss of outlook, privacy, or increased sense of enclosure.

3.27 Objections have been raised from residents relating to the loss of privacy to people visiting the cemetery to mourn. However, the cemetery is a public place, and is used not only by people visiting the cemetery but is also a popular pedestrian route from Charing Cross Hospital through the cemetery to Margravine Gardens and Barons Court Underground Station. Furthermore, the cemetery is significantly overlooked by many properties which back onto the site along Margravine Gardens, Palliser Road, St Dustan's Road, and Claxton Grove. Notwithstanding this it is proposed to install smoked "one way" glazing to reduce the perception of overlooking within the cemetery. Details of the glazing will be secured by condition 9. As such it is not considered refusing the application on these grounds could be justified.

3.28 In this case it is not considered the proposal would cause demonstrable harm in terms of overlooking, in accordance with DMLP Policy DM A9 and DM G1 and SPD Housing Policy 8.

### OTHER MATTERS:

#### Flood Risk and Sustainable Urban Drainage Systems (SUDs):

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

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

3.31 Policy CC1 of the Core Strategy requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. DMLP 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). These are supported by SPD Sustainability Policies 1 and 2.

3.32 This site is in the Environment Agency's Flood Zone 3. The proposals include ground floor and basement extensions on the existing building. As required, a Flood Risk Assessment (FRA) has been provided with the application. This confirms inclusion of suitable structural water-proofing measures for the basement. Sewer surcharge flooding also needs to be mitigated which can be done through inclusion of a non-return valve or equivalent pumped device and this is secured by condition 11.

3.33 In terms of managing surface water run-off from the site, the inclusion of Sustainable Drainage Systems (SuDS) in the form of a green roof is proposed. A more detailed Surface Water Drainage Strategy confirming how water could also be collected on site for re-use in the garden will be secured by condition 12. If the alterations include the integration of new water using fixtures/fittings, then an informative will request these to be water efficient ones.

#### Contamination:

3.34 Policy 5.21 of the London Plan, Core Strategy Policy CC4 and Policy DM H7 and H11 of the DMLP 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.

3.35 The Council's Environmental Quality Team has advised the subject property area has been identified as potentially contaminated as per Part 2A of the Environmental Protection Act 1990 and is prioritised for further inspection under the Council's Contaminated Land Strategy. The site is placed in our fourth highest category out of eight. A timeframe for further investigation has not yet been established.

3.36 The application is supported by an Environmental Management Plan, which has been considered by the Council's Environmental Quality Team. Unfortunately, this does not constitute a Preliminary Risk Assessment examining the risks to future site users, only potential risks during construction. Similarly, the Geotechnical Logs do not provide any assessment of risks to future site users from the placement of residential accommodation below the ground. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions will be attached covering the assessment and remediation of contaminated land (conditions 13-18).

#### Community Infrastructure Levy:

3.37 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. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3.

#### Local CIL:

3.38 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 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.

#### 4.0 RECOMMENDATION:

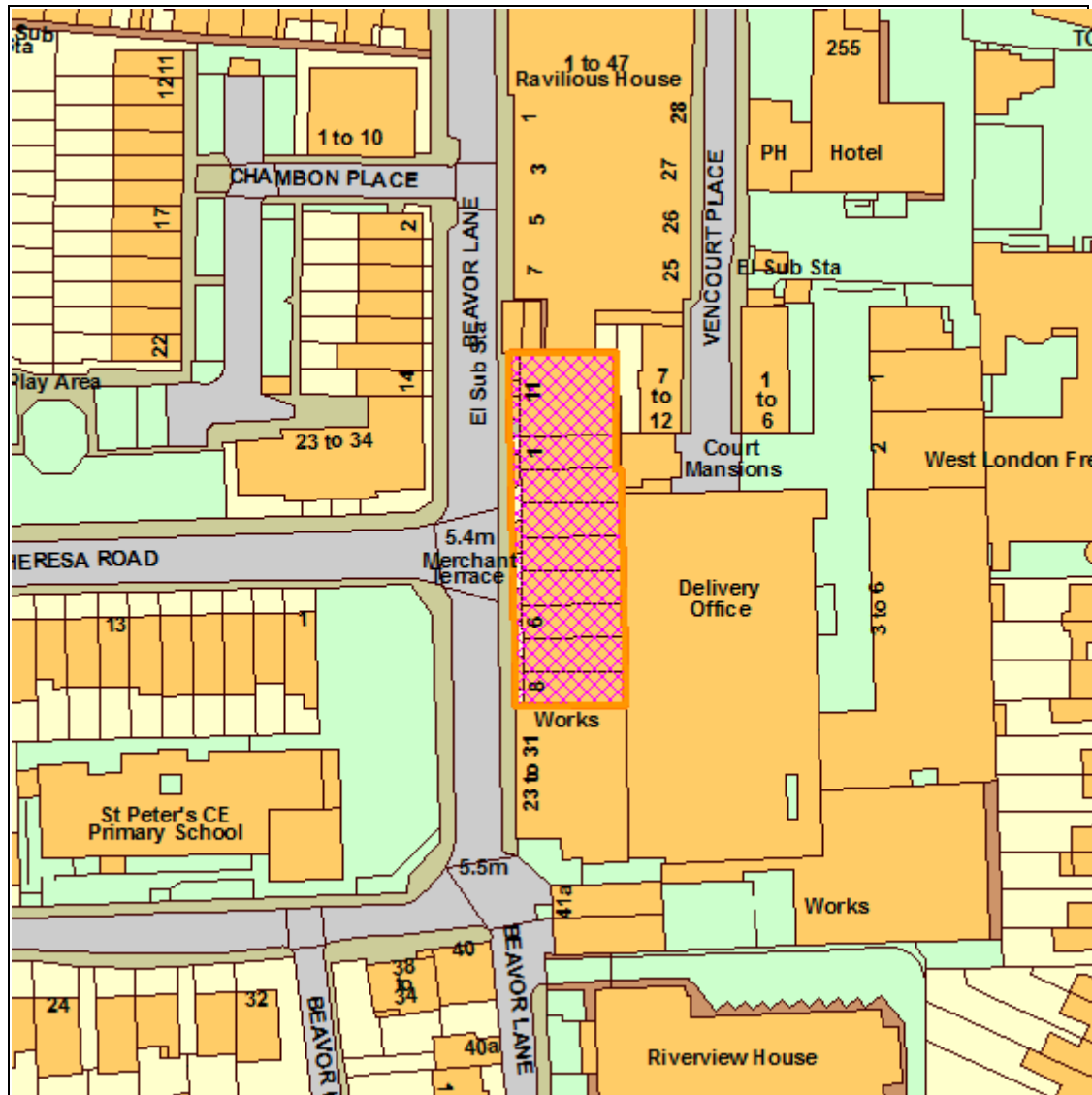
4.1 It is recommended that planning permission is granted subject to conditions outlined in the report.

4.2 To authorise the [Head of Planning Regeneration]/[Head of Development Management] after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make minor changes to the proposed conditions or heads of terms, any such changes shall be within their discretion.

**Ward:** Ravenscourt Park

**Site Address:**

Palco House 11 - 21 Beavor Lane London W6 9AR



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

**Reg. No:**  
2017/01571/VAR

**Case Officer:**  
Barry Valentine

**Date Valid:**  
18.04.2017

**Conservation Area:**

**Committee Date:**  
10.10.2017

**Applicant:**

L&W Properties Limited  
c/o Agent

**Description:**

Removal of condition 18 of planning permission ref: 2013/01619/FUL granted 11th November 2013 to allow the office to operate 24 hours a day Mondays to Sundays including public/bank holidays.

Drg Nos: 108 Rev E; 109 Rev F; 110 Rev G; 111 Rev F, 112 Rev G; 115 Rev C; 116 Rev B; 117 Rev E; 119 Rev D; 120 Rev E; 121 Rev.A

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

1: 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.

2: To authorise the Head of Development Management after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make minor changes to the proposed conditions or heads of terms, any such changes shall be within their discretion.

- 1) The development shall be carried out and completed in accordance with the following approved drawings: 108 Rev E; 109 Rev F; 110 Rev G; 111 Rev F, 112 Rev G; 115 Rev C; 116 Rev B; 117 Rev E; 119 Rev D; 120 Rev E; 121 Rev A.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 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.

- 2) 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.

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

- 3) In regards to condition 8 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that relates to secure by design, the development shall only operate in accordance with the details approved under discharge of condition application reference 2014/00619/DET granted on the 15/07/14, and shall so be maintained.

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.

- 4) In regards to condition 9 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that relates to lifetime homes, the development shall only operate in accordance with the details approved under discharge of condition application reference 2014/00619/DET granted on the 15/07/2014, and shall so be maintained.

To ensure that the new dwellings are built to 'Lifetime Homes' standards and that the office provides an accessible environment, in accordance with Policy H4 of the Core Strategy 2011, Policy 3.8 of The London Plan (2011), Policy DM A4 and DM G1 of the Development Management Local Plan 2013 and Design Policy 1 of the Planning Guidance SPD.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted (other than within the zone shown on the approved drawings under application ref: 2015/03680/NMAT and subject to the provisions of condition 1 of that permission), without planning permission first being obtained.

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

- 6) In regards to condition 11 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to refuse/recycling arrangements, the development shall only operate in accordance with the details approved under discharge of condition application reference 2014/00619/DET granted on the 15/07/14. All refuse/recycling generated by the development hereby approved shall only be stored within the agreed areas. These areas shall be permanently retained for this use.

To ensure the satisfactory provision of refuse storage and recycling in accordance with policy DM H5 of the Development Management Local Plan 2013.

- 7) The cycle storage arrangements indicated on approved drawings ref 109 Rev F and 110 Rev G which were installed prior to occupation, shall be retained thereafter for the lifetime of the development.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.9 and 6.13 of the London Plan 2011 and policy DM J5 of the Development Management Local Plan 2013.

- 8) In regards to conditions 13, 14 and 15 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that relates to sound insulation, the details approved under discharge of condition application reference 2014/01356/DET granted on the 28/05/14, which were fully installed prior to occupation, shall be maintained in accordance with the details approved.

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

- 9) In regards to conditions 16 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that relates to sound levels of plant/machinery (including car lift), the details approved under discharge of condition application reference 2014/01356/DET granted on the 28/05/14, shall be maintained in accordance with the details approved. The measures approved under 2014/01356/DET ensure that the external noise level emitted from plant, machinery/ equipment (including the car lift) will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out and submitted to the Council for approval within three months of the date of this permission, to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be permanently retained.

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

- 10) In regards to condition 17 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to anti vibration measures, the details approved under discharge of condition application reference 2014/01356/DET granted on the 28/05/14, which were fully installed prior to occupation, shall be maintained in accordance with the details approved.

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

- 11) The office shall only be occupied by a maximum of 20 employees/people between the hours of 23:30 and 06:00 Monday to Sunday.

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

- 12) In regards to condition 19 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to Sustainable Urban Drainage System (SUDS), the details approved under discharge of condition application reference 2014/01356/DET granted on the 28/05/14, which have been fully installed, shall 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 2011, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 13) The energy efficiency and renewable energy measures detailed in the submitted Energy Strategy dated April 2013 which were installed in full prior to occupation, shall 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 (2011), and Core Strategy (2011) Policies BE1 and CC1.

- 14) The sustainable design and construction measures detailed in the submitted Sustainability Statement for 11 Beavor Lane dated April 2013 which were implemented in full prior to occupation or use of the development permitted, shall be permanently retained.

To ensure a sustainable development, 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 (2011), and Core Strategy (2011) Policies BE1 and CC1.

- 15) In regards to condition 28 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to landscaping, the development shall only operate in accordance with the details approved under discharge of condition application reference 2014/00619/DET, granted on the 15/07/14, and shall so be maintained. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

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

- 16) In regards to condition 29 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to servicing and the Service Management Plan, the office shall only be occupied and operate in accordance with the details approved under discharge of condition application reference 2016/00958/DET granted on the 17/06/2016. In addition, no deliveries shall be taken or despatched from the office outside of the hours of 7:00 and 19:00 Monday to Saturday, nor at any time on Sunday, Bank or Public Holidays

To ensure satisfactory provision for servicing and to prevent noise and disturbance to neighbouring residents, in accordance with Policy DM J6 and DM H9 of the Development Management Local Plan 2013

- 17) In regards to condition 30 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to car parking arrangements including car parking management plan, the details approved under discharge of condition application reference 2016/01419/DET granted on the 26/05/16, the development shall only be occupied and operate in accordance with the details approved. The proposed car parking spaces shall be laid out as shown on drawing

no.109 Rev F and shall not be altered unless otherwise agreed in writing by the Council. At least one of the proposed spaces shall be permanently available for disabled drivers.

To ensure satisfactory parking provision, including for disabled people, in accordance with Policy DM J2 and DM J4 of the Development Management Local Plan 2013.

- 18) The windows in the rear elevation at ground, first, second and third floor levels shall be glazed with obscure glass, and the screening to the ground floor terrace shown on drawing no.119 Rev E shall be erected in accordance with the drawing and glazed with obscure glass. The windows shall be non-opening or top opening only. The windows and terrace screening shall be permanently maintained in this form.

To prevent loss of privacy to neighbours, in accordance with Policy DM A9 of the Development Management Local Plan 2013 and Housing Policy 8 of the Planning Guidance SPD 2013

- 19) Notwithstanding the provisions of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential dwellings hereby permitted, nor erection of porches, outbuildings, hardstandings or storage tanks shall be carried out within the residential curtilages.

To enable the Council to retain control over any future development in view of the restricted area of the site and the effect of such development on the residential amenities of surrounding properties, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 20) The flood mitigation measures as proposed in the submitted Flood Risk Assessment that were implemented including the installation of a non-return valve, shall be permanently retained.

To prevent risk from flooding, in accordance with Policy CC2 of the Core Strategy 2011, and Policy DM H3 of the Development Management Local Plan 2013.

- 21) In regards to condition 34 of the original planning permission reference 2013/01619/FUL granted on the 11/11/13 that related to car lift, the development shall only operate in accordance with the details approved under discharge of condition application reference 2014/01356/DET granted on the 28.05.2014 and permanently maintained as such.

To ensure the safe operation of the car lift and the highway, in accordance with Policy DM J6 of the Development Management Local Plan 2013.

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

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

- 23) The commercial B1 office use hereby approved shall only operate in accordance with the approved 'Night Time Staff Management Plan' dated August 2017.

To ensure that the development does not have an adverse impact on highway, and on neighbouring properties living conditions, in accordance with Core Strategy (2011) policy T1 and Development Management Local Plan (2013) policies DM A9 and DM H9.

**Justification for Approving the Application:**

1) 1) Land Use

The proposed variation to the office hours would increase the flexibility of the existing office and have a positive impact on employment provision in the borough.

2) Impact On Neighbouring Properties

The proposed variation to the office hours would not cause significant harm to neighbouring living conditions in terms of light pollution, noise or privacy. The proposed development complies with Development Management Local Plan (2013) policies DM A9, DM H9 and DM H10.

3) Transport

The proposed variation to the office hours would not cause significant parking stress in the area and would not generate significant traffic movements. The proposed development provides sufficient waste and refuse storage. The development would therefore be acceptable in accordance with Core Strategy (2011) Policy T1.

4) Impact On Heritage Assets

The proposed variation would still preserve the character and appearance of the adjacent conservation area, and would not have an adverse impact on the setting of any adjacent listed buildings. The proposed development complies with Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policies DM G1 and DM G7.

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

**All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 13th April 2017  
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:**

<b>Comments from:</b>	<b>Dated:</b>
St. Peter's Residents' Association	17.05.17

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
6 Beavor Lane London W6 9UL	02.05.17
6 Beavor Lane London W6 9UL	15.05.17
6 Beavor Lane London W6 9UL	03.07.17
8 Beavor Lane London W6 9UL	16.05.17
6 Beavor Lane London W6 9UL	05.05.17
6 Beavor Lane London W6 9UL	03.05.17
4 Beavor Lane London W6 9UL	19.05.17
2 Beavor Lane London W6 9UL	19.05.17
24 St Peters Road London w6 9bd	22.05.17
45 Bradmore Park Road London W6 0DT	12.05.17
1 Theresa Road London W6 9AQ	03.05.17
19 Theresa Road London W6 9aq	21.04.17
5 Beavor lane London W69AR	11.05.17
	03.07.17
12 Beavor Lane London W6 9UL	18.05.17
297 King Street London W6 9NH	10.05.17
6 Beavor Lane London W6 9UL	10.05.17
5 Merchant Terrace Beavor Lane London W6 9AR	10.05.17
3 Beavor Lane London W6 9AR	12.05.17
15 Theresa Road London W6 9AQ	12.05.17
18 St Peters Road Hammersmith W6 9BD	22.05.17
Transport And Technical Services Town Hall Extension King Street London W6 9JU	
20.09.17	
6 Merchant Terrace, Beavor Lane London W6 9AR	11.05.17

**BACKGROUND**

1.1 The application relates to a fairly recently constructed terrace of eight, four storey townhouses and a four storey commercial unit located on the eastern side of Beavor Lane. These properties were constructed pursuant to planning permission reference 2013/01619/FUL, which was granted on the 11/11/2013.

1.2 More specifically, the current application relates to the four storey B1 office building (772 sq.m), which is located at the northern end of this terrace.

1.3 The site is not located within a conservation area, although it is directly opposite the St Peter's Square Conservation Area. There are no listed buildings within the immediate vicinity of the site.

1.4 The site has a Public Transport Accessibility Level (PTAL) of 4 (good).

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

#### Relevant Planning History

1.6 Planning permission (2013/01619/FUL) was granted in November 2013 for the Redevelopment to provide 8 no. 4-storey four-bedroom townhouses and 1 no. 4 storey Class B1 office building (772sqm); along with nine car parking spaces in a new basement storey, and associated storage areas, plant, cycle parking and landscaping; following demolition of office/warehouse building (Class B1/B8). This planning permission has been implemented.

1.7 This current application seeks to remove condition 18 of the original planning permission (2013/01619/FUL), in order to allow the office premises to operate 24 hours a day, 7 days a week.

1.8 Condition 18 currently states:

"The use of the office shall only be permitted between the hours of 07:30 and 20:00 Mondays to Saturdays and not at any time on Sundays and Public/Bank Holidays.

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

1.9 In support of their application, the applicant has highlighted some of the benefits to residents of having later office hours, particularly in reducing crime:

- CCTV allows them to monitor on street activity around the site,
- Activity in the building is likely to be a deterrent helping to reduce crime.
- They have stated that they have already reported a number of crimes in the area including two car burglaries and a car hitting a resident's parked car and driving off
- management plan will help to ensure that nuisance and disturbance do not occur.

#### PUBLICITY AND CONSULTATIONS

2.1 The application was publicised by press and site notice as well as individual letters of notification to neighbouring properties (304 letters sent).

2.2 Twenty two responses objecting to the application have been received. These responses are from fourteen different properties in Beavor Lane, King Street, Merchant Terrace, St. Peter's Road and Theresa Road; as well as from The Hammersmith Society, and the St Peter's Residents' Association.

The concerns of the residents are summarised as follows:

- Noise/ concern over employees anti-social behaviour including smoking

Officer's response - The applicant has outlined a series of measures and restrictions which are considered to be sufficient to mitigate the impact of the development on neighbouring living conditions in terms of noise disturbance and to prevent anti-social behaviour occurring.

- Traffic movements

Officer's response - Given the good PTAL rating of the site, restriction on deliveries proposed and the limited number of staff who would be on site overnight, it is not considered that the development would cause unacceptable level of traffic generation, or significant noise from any such traffic movements to justify refusal of the application.

- Light Pollution

Officer's response - The proposed development given the site's urban setting is not considered to generate significant levels of light pollution to justify the refusal of the application.

Refuse storage arrangements

Officer's response - There is a commercial refuse store within the lower ground floor level of the site that is accessible from the car park area which is sufficient to cope with the demands of the development. The original condition attached to the original planning permission, which is recommended to be carried forward, requires all waste that is generated by the development to be stored in these enclosures.

- Impact on Parking

Officer's response - There is considered to be sufficient on street parking provision to cope with any additional parking demand that could be caused by extending the opening hours.

An objection has been received from a local ward councillor, who supports the concerns raised by the residents.

The concerns of The Hammersmith Society are summarised as follows:

- Noise and disruption from extending the office hours

Officer's response - The applicant has outlined a series of measures and restrictions which are considered to be sufficient to mitigate the impact of the development on neighbouring properties living conditions in terms of noise disturbance.

The concerns of the St Peter's Residents' Association are summarised as follows

- Light Pollution

Officer's response - The proposed development given the site's urban setting is not considered to generate significant levels of light pollution to justify the refusal of planning permission.

- Overlooking/Loss of privacy during the night/ development not neighbourly

Officer's response - It not considered that extended the opening hours of the office would cause a demonstrable loss of neighbouring privacy. The windows at the rear of the site are obscurely glazed, and as such would not cause harm to neighbouring privacy. The windows at the front of the property are 15m away from windows on the properties on the opposite side of Beavor Lane. The views from these windows would be the same as during the day, comparable to views experienced from the street, with

any additional impact on privacy that is perceived to occur could be reasonably mitigated through the use of curtains/blinds. This arrangement between the properties is not uncommon in an urban environment.

- Noise disturbance in the early morning and late at night, and from smoking.

Officer's response - The applicant has outlined a series of measures and restrictions which are considered to be sufficient to mitigate the impact of the development on neighbouring properties living conditions in terms of noise disturbance.

- Concern over vehicle movements.

Officer's response - Given the good PTAL rating of the site, the restrictions on deliveries proposed and the limited staff numbers, it is not considered that the development would cause unacceptable level of traffic generation, or significant noise from any such traffic movements to justify refusal of planning permission.

- Parking Stress

Officer's response - There is considered to be sufficient on street parking provision to cope with any additional parking demand caused by the development from the extended opening hours.

- Precedent in a conservation area.

Officer's response - The site is not in a conservation area. Nevertheless, each application has to be considered on its individual merits. In this instance the development is considered to comply with council policy and therefore considered to be acceptable. The proposed development would not have an impact on the character and appearance of the adjacent conservation area, given the established mixed character of Beavor Lane and that no external changes are proposed.

### 3.0 CONSIDERATIONS

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

- + Impact of the development on commercial office provision in the borough.
- + Impact of development on neighbours' amenity.
- + Impact of the development on parking demand and on the highway.

3.2 Core Strategy (2011) policy LE1 states the council will ensure that accommodation is available for all sizes of business including small and medium sized enterprises.

3.3 DMLP (2013) policy DM B1 states that the council will support proposals for new employment uses and the retention and intensification of existing employment uses. When considering new proposal the policy states the council will take into 'whether the scale and nature of the development is appropriate, having regard in particular to local impact and public transport accessibility.'

3.4 DMLP (2013) policy DM H9 seeks to limit the noise impact of the development on noise sensitive properties and uses. DMLP (2013) policy DM H10 requires development

provides adequate protection from glare and light spill, particularly to nearby sensitive receptors such as residential properties.

3.5 Council policies in relation to office uses set out in Core Strategy (2011) policy LE1 and in DMLP (2013) policy DM B1 are generally supportive of flexible office uses, recognising that they are a valuable source of employment. The development would increase the flexibility of the existing office and have a positive impact on employment provision in the borough. Nevertheless, these policies do recognise that office uses can have a negative impact on their locality.

3.6 Prior to the erection of the buildings currently on the site, which were built under planning permission 2013/01619/FUL, there was a 926 sq.m warehouse (B8) and a 858 sq.m office (B1). The office that is subject to this application, which was approved in 2013, is significantly smaller at 772 sq.m. The opening hours of the previous use on the site are unknown, but there were no known planning restrictions on hours of operation, so the previous use could have operated on a 24/7 basis. It could therefore be argued that the application still represents an overall improvement to neighbouring amenity from the status quo of the site prior to 2013, with the office being significantly smaller than the commercial uses previously on site and given the controls recommended to be imposed on the development, offer greater long term protection to surrounding residents.

3.7 Whilst Beavor Lane does contain a number of residential properties, the application site is not the only commercial premises in the vicinity of the application site. Eighty metres to the south of the office subject to this application is Clockwork House (formerly known as Riverview House), which is a six storey 4400 sq.m office building that was constructed originally in the 1970s. This building has no restrictions that control the number of employees or operating hours. The building has been recently refurbished, but is not yet fully occupied. The nature of the site, and the presence of A4 to the south that acts as a semi barrier, means that a large percentage of employees or vehicles using that site, once the building is occupied are likely to pass by the application site. Other offices understood to be in the area as per Valuation Office records include 41a Beavor Lane (350 sq.m B1), 41b Beavor Lane (The Character Building, 650 sq.m) and 22 to 31 Beavor Lane (569 sq.m). None of these sites have planning limitations on their hours of operation, although 41a Beavor Lane does have restrictions on delivery times.

3.8 The office has been designed to be well insulated. Condition 13 of planning permission 2013/01619/FUL which was discharged under application reference 2014/01356/DET, granted on the 28/05/2014, ensured that walls/ceilings/floors were well insulated so that commercial noise generated within the development was contained. This condition also ensured the 'Good' criteria of British Standard BS8233:1999 was achieved. As such, any noise which could be generated within the office during the extended opening hours would be sufficiently contained, and would not impact neighbouring properties living conditions.

3.9 Insulation would only however protect neighbouring properties from noise generated within the property, it would not control noise generated indirectly that could occur outside of the building, primarily through comings and goings, and from servicing. The applicant has submitted a 'Night Time Staff Management Plan', which sets out a series of measures to limit the impact of the development. This includes the following

mitigation measures, which are recommended to be secured via conditions (11, 16 and 23):

- + No deliveries will be taken or dispatched from the office outside the hours of 7am to 7pm on Mondays to Saturdays nor at any time on Sundays or Bank / Public Holidays.
- + Notices to remind staff to be considerate including keeping voices down, not to congregate in groups and to be considerate when smoking outside.
- + CCTV which is already in place will allow the external activity of staff to be monitored.

The applicant has confirmed the following:

- + The front door has a self-closer on it which helps prevents the front door being slammed. Large rubber stops are also fitted to the front door to reduce the sound of the door closing.
- + That smoking signs have been erected, and management controls are in place to limit the impact.

The applicant has also confirmed that they have no objection to the following two conditions being placed on the planning permission:

"The office shall only be occupied by a maximum of 20 employees between the hours of 23:30 and 06:00 Monday to Sunday"

"No deliveries shall be taken or despatched from the office outside of the hours of 7:00 and 19:00 Monday to Saturday, nor at any time on Sunday, Bank or Public Holidays"

3.10 It is noted that many of the objection letters are concerned about the development causing anti-social behaviour and noise. The current occupier of the building has been using the building on a twenty four hours basis for at least the last seven months, in breach of the condition. This application has been submitted to regularise the current position. Despite this, the council had received no formal noise complaints.

3.11 On balance officers consider that the above measures would be sufficient to ensure that the development would not have a significant adverse impact on neighbouring properties living conditions. The proposed development complies with DMLP (2013) policies DM A9 and DM H9.

## Transport

3.12 The applicant states that the majority of the twenty staff working at night would arrive before 11pm, with only about five staff arriving between 11pm and midnight. The shifts of these staff end from 6:30am onwards. It is envisaged that these staff due to their arrival/leaving times would be able to use public transport. Staff would not travel to and from site during the night hours as part of their work. The site has a Public Transport Accessibility Level of 4 (good). In addition to using public transport, the applicant states staff would arrive by taxi or car share.

3.13 The council's parking data indicates that if some staff did choose to the drive to work, either individually or as part of a car share, that there is sufficient car parking capacity in the area to cope without causing significant parking stress to local occupiers.

On the eastern side of the Beavor Lane between King Street and Theresa Road, there are twelve car parking spaces. Recent survey data of weekday nights found that none of these spaces were occupied. No parking data is available for a weekend night, but this is likely to be similar to the weekday night result, as demonstrated by the closest comparison surveys conducted on a Saturday and Sunday afternoon, which showed only two cars parked in the twelve spaces available. For the western side of the same section of the street, parking stress on a weekday night was recorded at twenty-nine percent, with only four of the fourteen spaces occupied.

3.14 The restriction on deliveries via condition would prevent the development having an adverse impact in terms of servicing during the night-time hours. As such it is considered that the proposed development would not have an adverse impact on parking, or on the highway. The proposed development complies with Core Strategy (2011) policy T1.

#### Light Pollution

3.15 The proposed development is not considered to cause significant light pollution given its location in an urban setting to justify refusal of planning permission. The windows to the rear of the office building are frosted and already dull the light down in the evenings. At the front of the property is the street which is partly lit by a lamppost located outside of no.12 Beavor Lane. The properties on the opposite side of Beavor Lane are approximately 15 m away. There are no lights from the office that shine directly into neighbouring windows. The front elevation replicates a traditional design and contains tri parte windows, the more limited aperture of these windows in comparison to a more contemporary glazed office elevation, and the office is fitted with window blinds, and this limits the amount of light which can radiate from the property. Any light radiating from the property indirectly would not be so significant such to cause demonstrable harm to neighbour amenity, especially given the context. The proposed development complies with DMLP (2013) policy DM H10.

#### LEGAL AGREEMENT

3.16 The original planning permission was subject to a S106 Legal Agreement. A deed of variation is recommended to be secured in order to carry over legal commitment secured in the S106 legal agreement forward into this application. The original S106 legal agreement includes a restriction which prevented the residential units approved under the original planning permission from having an entitlement to on-street car parking permits.

3.17 It is noted that since the original S106 was completed that restrictions to car parking permits are now secured via section 16 of the Greater London (general Powers) Act 1974.

#### 4.0 CONCLUSIONS and RECOMMENDATION

4.1 The proposed variation to the office hours would increase the flexibility of the existing office and have a positive impact on employment provision in the borough. The proposed variation to the office hours would not cause significant harm to neighbouring living conditions in terms of light pollution, noise or privacy. The proposed development complies with Development Management Local Plan (2013) policies DM A9, DM H9 and DM H10. The proposed variation to the office hours would not result in significant

parking stress in the area and would not generate significant traffic movements. The proposed development provides sufficient waste and refuse storage. The development would therefore be acceptable in accordance with Core Strategy (2011) Policy T1.

4.2 It is recommended that planning permission be granted, subject to conditions and following the completion of a satisfactory legal agreement covering the matters referred to in the report.

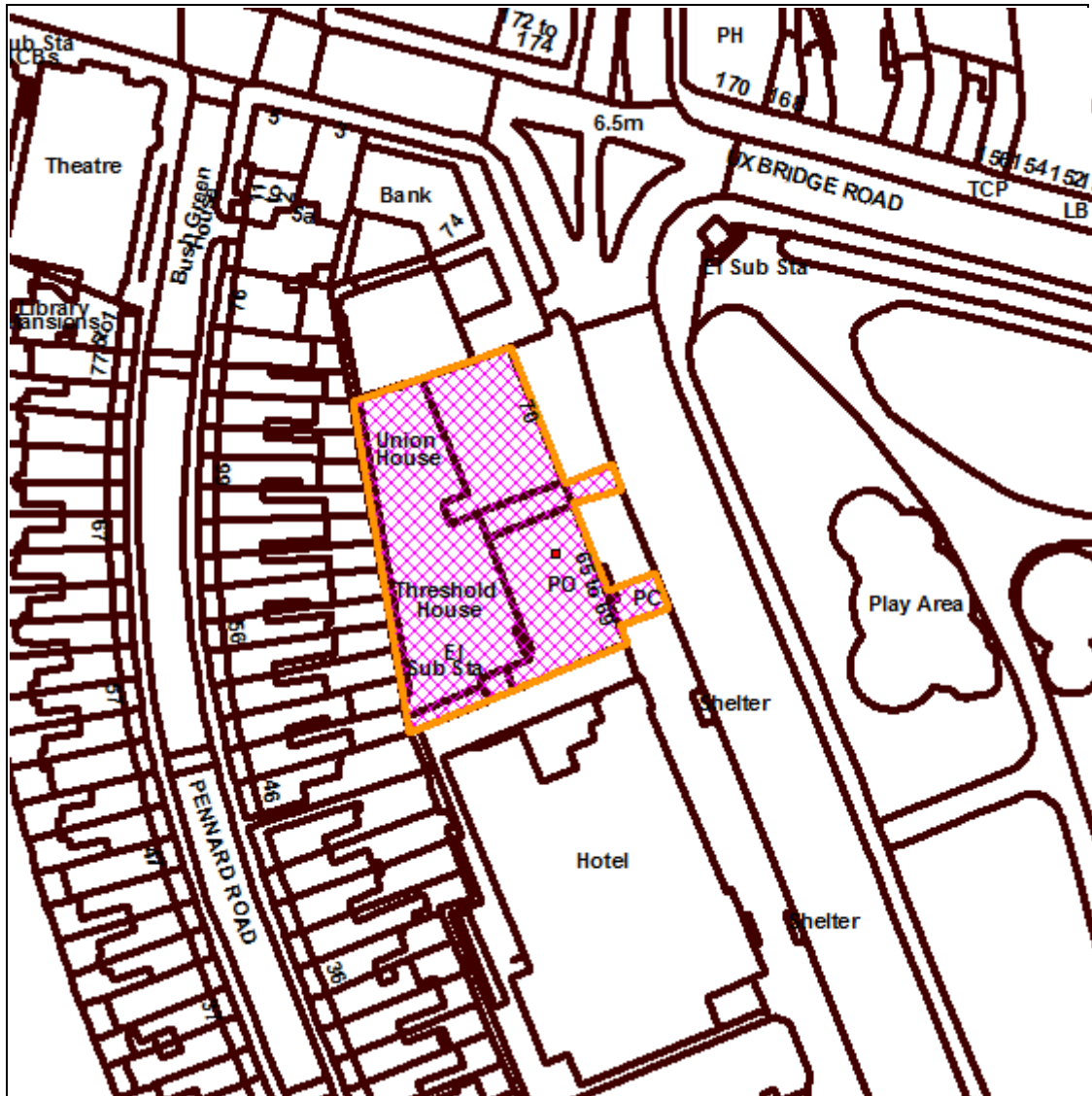
4.3 Officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the [Head of Planning Regeneration]/[Head of Development Management] after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make minor changes to the proposed conditions or heads of terms, any such changes shall be within their discretion.



**Ward:** Shepherd's Bush Green

**Site Address:**

Threshold And Union House 65 Shepherd's Bush Green London W12 8TX



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**Reg. No:**  
2017/01898/FUL

**Case Officer:**  
Raj Satheesan

**Date Valid:**  
08.05.2017

**Conservation Area:**  
Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
10.10.2017

**Applicant:**

Newco 8915 Ltd  
159 St John Street London EC1V 4QJ

**Description:**

Demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements.

Drg Nos: 10383-EPR-00-GF-TP-A-0100, 00-GF-TP-A-0101 Rev3, 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev. 2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208, 01-NO-TP-A-401, 01-WE-TP-A-402, 01-EA-TP-A-403, 01-SO-TP-A-404, 01-EA-TP-A-407, 01-EA-TP-A-410, 01-AA-TP-A-0501, 01-BB-TP-A-0502, 01-CC-TP-A-0503, 01-DD-TP-A-0504, 00 XX DR SK07

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

1: 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.

2: To authorise the Head of Development Management after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make minor changes to the proposed conditions or heads of terms, any such changes shall be within their discretion.

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

Condition required to be imposed by section 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:

10383-EPR-00-GF-TP-A-0100, 00-GF-TP-A-0101 Rev3, 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208, 01-NO-TP-A-401, 01-WE-TP-A-402, 01-EA-TP-A-403, 01-SO-TP-A-404, 01-EA-TP-A-407, 01-EA-TP-A-410, 01-AA-TP-A-0501, 01-BB-TP-A-0502, 01-CC-TP-A-0503, 01-DD-TP-A-0504, 00 XX DR SK07

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

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

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

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

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

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

- 6) Prior to the commencement of the development hereby permitted (save demolition and site clearance), a Construction Management Plan shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, emission, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of

contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

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

7) The demolition works hereby permitted shall not be undertaken before:

(i) a building contract for the redevelopment of the site in accordance with this planning permission has been entered into, and a signed copy of the building contract has been submitted to, and approved in writing by, the Council;

(ii) written notice of the start date for the demolition process has been submitted to the Council. Such notification shall be to the Council's Head of Development Management and shall quote the application reference number specified in this decision letter.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of neighbouring listed buildings and to protect the building of merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

8) 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.

9) 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.

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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.

- 14) The development (save demolition and site clearance) 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.

- 15) The development hereby permitted shall not commence (save for demolition and site clearance) until further details of a Sustainable Urban Drainage System (SUDS), including maintenance programme have been submitted to and approved in writing by the council. The details shall aim to achieve greenfield run-off rates, with a minimum target of reducing flows by 50% compared to the pre-development situation. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

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

- 16) 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.

- 17) Prior to use/occupation of the development hereby permitted, 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/use of the development and thereafter be permanently retained.

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

- 18) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and

reradiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

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

- 20) Neither music nor amplified voices emitted from the development shall be audible at any residential/noise sensitive premises.

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

- 21) The uses hereby permitted shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

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

- 22) Prior to commencement of the development hereby permitted (save demolition and site clearance), details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits of the ground floor of the development. The lobbies, as agreed, shall be installed prior to the use of the development and thereafter be permanently retained.

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

- 23) Prior to occupation/use of the relevant part of the development hereby permitted, details shall be submitted to and approved in writing by the council of the hours of



use of each commercial part of the development. The uses hereby approved shall only operate as per the details approved.

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

- 24) No removal of refuse nor bottles/cans to external bins or external refuse storage areas shall be carried out other than between the hours of 08:00 to 20:00 on Monday to Friday and 10:00 to 18:00 on Saturdays; and at no time on Sundays and Public/Bank Holidays.

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

- 25) Prior to commencement of the development (save demolition and site clearance) 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. (2013).

- 26) Prior to the commencement of development an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors on-site and off-site of the development and 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 the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road and off-road construction traffic, Ultra Low Emission Vehicle Strategy (ULEVS) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol); Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM<sub>10</sub> 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.

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

- 27) Prior to commencement of the development, (excluding site clearance and demolition) a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake and air extract locations at roof level and the design details and locations of windows on all floors of habitable accommodation to demonstrate that they avoid areas of NO<sub>2</sub> or PM<sub>10</sub> exceedance e.g. Shepherds Bush Green. 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. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 28) Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO<sub>x</sub> emissions standards for the chosen energy plant) that are required to reduce the exposure of future occupiers to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and particulates from on-site and off-site transport during operational phases by means of a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol). The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 29) Prior to the operation of the CHP units and the Ultra-Low NO<sub>x</sub> Gas fired boilers, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Evidence that the termination height of the Flue stacks for the CHP plant has been installed a minimum of 5 metres above the roof level of the tallest part of the building
- Details to demonstrate that the CHP Plant, Ultra Low NOx Gas fired boilers and associated abatement technologies shall meet a minimum dry NOx emissions standards of 50mg/Nm-3 (at 5% O2) and 30 mg/kWh (at 0% O2) respectively.
- Following installation, emissions certificates and the results of NOx emissions testing of each CHP unit and Ultra Low NOx gas boilers by an accredited laboratory will need to be provided to the Local Planning Authority to verify emissions.

Where any installations do not meet the relevant 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. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

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

- 30) Prior to commencement of any above ground works, details of the hard and soft landscaping of all areas external to the building, including replacement tree planting and paving, detailed drawings at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council, and the development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and biodiversity in accordance with policies DM E4, DM G1 and DM G7 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.

- 31) The development hereby permitted shall not be occupied or used until a Refuse Management Plan, including for recycling, has been submitted to and approved in writing by the council. The development shall thereafter be permanently occupied/used in accordance with the approved plan.

To ensure that there is sufficient waste and recycling management provision, in accordance with Policy DM H5 of the Development Management Local Plan (2013).

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

To ensure that the site remains in a tidy condition during demolition works and the construction phase and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011, and policies DM G3 and DM G7 of the Development Management Local Plan 2013.

- 33) Details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the council prior to the commencement of the development (excluding site clearance and demolition) hereby permitted. The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of The London Plan 2016, Policy BE1 CC4 of the Core Strategy 2011 and Policies DM G1 and DM G2 of the Development Management Local Plan 2013.

- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 35) Prior to the commencement of the development (excluding site clearance and demolition) hereby permitted, a further BREEAM Assessment shall be submitted to show how the scheme will meet the `Excellent` rating (including CO2 reduction targets). The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Sustainability Statement prepared by Hoare Lea Rev 02. 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 2016, Policies DM G1 and H2 of the Development Management Local Plan 2013 and Policy H3 of the Core Strategy 2011.

- 36) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved. The development shall be permanently maintained as such thereafter.

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.

37) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including samples of all external materials to be used in the development including brick colour, bond, pointing style, mortar colour and mix; and roofing material;

and

b) A brick sample panel shall be erected on site for the inspection and approval of the Council's conservation officer;

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 neighbouring 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 (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

38) Prior to commencement of the development hereby permitted (save for demolition and site clearance), detailed bays of relevant building sections in plan and elevation at 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.

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 of the neighbouring 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 (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013)

39) No advertisements shall be displayed on the external faces of the development hereby permitted, or within the site, unless full details of the proposed signage have been previously submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan 2013.

40) The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, including the implementation of the identified flood resilient design measures it contains.

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CC2 of the Core Strategy (2011), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 41) The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy as approved have been completed.

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CC2 of the Core Strategy (2011), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 42) The development hereby permitted shall not be occupied or used until the Low & Zero Carbon (LZC) Technologies and renewable energy options, as identified within the Energy Assessment , prepared by Hoare Lea, dated 28/04/17 Revision R1, submitted with the application, have been implemented. The development shall thereafter be permanently retained in this form. Any revised energy strategy for the development site shall be submitted to and approved in writing by the Local Planning Authority and shall result in carbon reductions which would not be less than 39.2%.

To ensure that the development is consistent with the Mayor's carbon emissions objectives in accordance with Policies 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and in accordance with policy CC1 of the Core Strategy 2011 and policy DM H1 and DM H2 of the Development Management Local Plan 2013.

- 43) All trees to be retained on this and adjoining the development site shall be protected from damage in accordance with BS5837:2012. No construction shall take place until any such trees are adequately protected as per BS5837:2012.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy DM E4 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 44) Prior to the commencement of work on the relevant part of each Development Plot, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved.

To ensure the provision of green and brown roofs in the interests of sustainable urban drainage and habitat provision, in accordance with policies 5.11, 5.13 and 7.19 of the London Plan 2016 and policies OS1, CC1, CC4 and H4 of the Core Strategy 2011 and policy DM E3, DM E4, DM H2, and DM H4 of the Development Management Local Plan 2013.

- 45) The rear outside terrace at ground floor level to the west of the building shall only be used between 0900 and 21:00 hours Mondays to Sundays, including Bank holidays.

To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

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

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

- 47) The permitted use shall not commence until the parking spaces for use by disabled persons (which shall be clearly marked out as such) as detailed on drawing no. 01-GF-TP-A-0200 Rev. 3, have been provided. This arrangement shall thereafter be retained permanently.

To ensure the provision and permanent retention of space for parking purposes for disabled persons, in accordance with London Plan (2016) Policy 7.2, Policy DM G1 of the Development Management Local Plan (2013), and Planning Guidance SPD (2013) Design Policies 1, 2 and 3.

- 48) There shall be no access to the open areas to the rear (west) of the building at roof level, except for maintenance purposes.

To ensure that the amenities of the surrounding residential occupiers are not duly affected by overlooking and noise and disturbance, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013) and Planning Guidance SPD (2013) Housing Policy 8.

- 49) The hotel use hereby permitted shall have a maximum of 214 bedrooms as detailed on approved drawing nos: 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208.

To safeguard the amenities of surrounding neighbours from noise disturbance, in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 50) The development shall not be occupied until the cycle storage arrangements indicated on approved drawing 01 GF TP-A-0200 Rev. 3, which shall include no

less than 16 bicycle parking spaces to serve staff and guests of the hotel have been provided and made available. The facilities shall be permanently retained thereafter.

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

- 51) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of 14 short stay cycle parking spaces to be provided along the frontage of the site. The details, as approved, shall be implemented prior to use of the retail unit and thereafter be permanently retained.

To ensure the satisfactory provision of cycle parking, in accordance with policy 6.9 of The London Plan 2016 and Policy DM J5 of the Development Management Local Plan 2013.

- 52) Prior to the occupation of the basement hereby approved, a non return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new units from flooding, as recommended by Thames Water and in accordance with Core Strategy (2011) Policy CC2, London Plan (2016) Policy 5.12 and Part 10 of the NPPF.

- 53) The development hereby permitted shall not commence until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand, in accordance with Part 10 of the NPPF.

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

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

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

- 1) 1) Land Use: The principle of the proposed hotel development is considered to be appropriate in land use terms. The loss of office is considered acceptable under policy LE1 of the Core Strategy (2011), policies DM B1 and DM B2 of the



Development Management Local Plan (2013). The loss of college is considered acceptable under policy CF1 of the Core Strategy (2011) thereby Policy DM D1 of the Development Management Local Plan (2011) is met. The proposed development would promote the vitality and viability of Shepherd's Bush Town Centre. The new hotel use together with the ancillary retail, restaurant and bar use is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7, Core Strategy Policies C and B, DMLP (2013) policy DM B2, DM C1 and DM C6.

2) Design and heritage: The proposal would use innovative design principles to redevelop this site. The proposal would respect the local architectural and townscape importance and the setting of the adjacent listed buildings and buildings of merit. The visual amenities of the area would be enhanced through improved aesthetics. The proposal would use contemporary yet acceptable materials, that would preserve and enhance the appearance, character and views of the conservation area. Policies DM G1, DM G7 of the Development Management Local Plan 2013, Policy BE1 of the Core Strategy 2011 and Policies 7.4 and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.

3) Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No general car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies DM J1, DM J5 and DM J6 of the Development Management Local Plan (2013).

4) Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures as well as a Combined Heat and Power (CHP) system. Any shortfall would be off-set by a developer contribution towards off-site carbon reduction measures. Renewable technologies would also be included as part of the development. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policy CC1 of the Core Strategy 2011 and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

5) Amenity: On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policy DM H9 and DM H11 of the Development Management Local Plan 2013.

6) Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and DMLP

Policy DM G1. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and the Planning Guidance SPD (2013) Design Policies 1, 2 and 3

7) Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan, Policy CC4 of the Core Strategy 2011, and Policy DM H7 of the Development Management Local Plan 2013.

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

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 5th May 2017  
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:**

<b>Comments from:</b>	<b>Dated:</b>
Hammersmith & Fulham Historic Buildings Group	03.08.17
The Hammersmith Society	06.09.17
Thames Water - Development Control	09.06.17
Historic England London Region	30.05.17
Hammersmith And Fulham Disability Forum	27.07.17

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
H J K H	06.08.17
45A Stanlake Road London W12 7HG	06.06.17
54 Pennard Road London W12 8DS	11.06.17
Dorsett Shepherds Bush 58 Shepherds Bush Green W12 8QE	16.06.17
Kemp House 152 City Road London EC1V 2NX	06.09.17
56 Pennard Road Shepherds Bush London W12 8DS	19.06.17
68 Pennard Road London W12 8DS	15.06.17
FLAT 3, Bush Green House, Pennard Rd Sheps Bush Gre W12	10.07.17
Flat 2, Bush Green House Pennard Road London W12 8LL	14.06.17
2 Library Mansions Pennard Road London W12 8DR	19.06.17
70 Pennard Road London W12 8DS	14.06.17

## OFFICER REPORT

### 1.0 BACKGROUND

1.1. The site is currently occupied by a pair of commercial buildings, Threshold House and Union House, of matching design dating from the late 1950s. Both buildings comprise mostly low specification vacant office floorspace, which has in recent times been subdivided in an ad-hoc manner to suit temporary occupiers. The ground floor also accommodates some retail units with generally poor replacement shop frontages.

1.2. The buildings have reached the end of their useful life and site has been identified as a future development opportunity by the Council. Neither buildings are able to offer the size or flexibility of floorplate which is desired by prospective companies looking to move into the area.

1.3. The site lies on the west side of Shepherds Bush Green in Shepherds Bush town centre, and lies within the wider White City Opportunity area. It is Council Policy to strengthen the historic town centre by encouraging commercial and leisure based development that will help regenerate and establish a long term viability for the town centre and links with the wider opportunity area.

1.4. The immediate neighbour to the north is Lawn House which is a red-brick commercial building from the 1980s, and to the south is Dorsett Hotel a successful refurbishment of the former Odeon grade II listed building, which forms the centrepiece to the west side of the Green. To the west, the scale of the built form reduces considerably and the site adjoins the rear boundaries of the rear gardens of the terraced properties in Pennard Road.

1.5. The site faces the heavily-trafficked Shepherds Bush gyratory around the Green. The perimeter of the Green is lined by several mature London Plane trees giving a soft screen through which the buildings are viewed from around the open space. The Green has a varied character to each of its three sides. The west side consists primarily of individual stand-alone buildings, and was the focus for leisure and entertainment use.

1.6. The site lies within the Shepherds Bush conservation area and there a number of heritage assets in the wider area, including the neighbouring Dorsett Hotel (Grade II listed), the Odeon cinema 60 Shepherds Bush Green (Grade II listed) and the Walkabout, identified as a Building of merit by the Council.

1.7. The area is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 1-6a/b where 1 is 'poor' and 6 being rated as 'excellent'. The Hammersmith and City Line Stations at Goldhawk Road and Shepherd's Bush Market are both approximately 300m from the site and the Central Line station at Shepherd's Bush is approximately 450m away. There are also numerous bus routes which stop outside the property on Shepherd's Bush Green.

#### Planning History

1.8. The planning history of the existing buildings on site date back to the 1950s and 1960s. The Council's planning records indicate that the operative planning consent for Threshold House was granted in 1954, when permissions were secured for "the erection of a five storey building with a two storey back addition and space for car

parking with access" (1954/00450/HIST) and "the erection of an office building" (1954/00451/HIST). The operative planning consent for Union House appears to date back to 1960, when planning consent was granted for "the erection of a six storey office building" (1960/00555/HIST).

1.9. Historically, the office floorspace within both buildings was used as overspill BBC office accommodation until the year 2000. Between 2000 and 2016 the office accommodation was crudely sub-divided into ad-hoc spaces for short term licenses (typically 12 month terms). All office tenancies expired at the end of 2016.

1.10. Grafton College (a higher education institution offering courses in London, Dublin and Islamabad) also recently occupied floorspace at ground, first and second floor levels. In 2012, the College obtained planning permission for the use of 400sqm of the ground and first floor for use as an education centre and training college (ref. 2012/03184/FUL) for use by no more than 150 students at any one time. Although the second floor was also used by the College, it is not clear that planning permission was ever obtained for use of the second floor as an education centre and therefore the use of this floorspace is likely to remain within office use.

1.11. At ground floor level of Threshold House is presently occupied by the Post Office and Dessertz.

1.12. Until earlier this year the Post Office occupied 3,400 sq ft (316sq m net) of retail floorspace. During 2016 the Post office undertook statutory consultation on a proposed relocation of the facility as part of a nationwide reconfiguration of PO counter services. In March 2017 the Post Office issued a public notice that, having considered over 200 representations, it decided to relocate the service into a branch of WH Smiths in Westfield White City Shopping Centre.

1.13. Dessertz café continues to trade, but has also confirmed its intention to relocate into nearby premises when its current tenancy expires in the very near future.

1.14. The further A1 ground floor vacant retail unit was previously operated by Mix Hair and Beauty on a 12 month license, which expired on 30 June 2016. This unit is currently vacant.

## Proposal

1.15 The current proposals seek planning permission for the demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel, containing 214 rooms, with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements.

## Pre-application engagement and community involvement:

1.16 In respect of community involvement, the applicants undertook a continuous programme of engagement with local stakeholders throughout a pre-application period of approximately 13 months.

1.17 This included pre-application meetings with officers; two full-day exhibitions of the scheme proposals held on site (November 2016 and March 2017); engagements with

the Hammersmith Society and Hammersmith & Fulham Historic Buildings Group and other local amenity groups; councillor briefings; meetings with tenants and residents representatives; the Shepherds Bush Town Centre Forum; meetings with the Bush Theatre; the Dorsett Hotel; and two presentations to the council's Design Review Panel.

1.18 The emerging proposals were first presented to the Design Review Panel on 23 November 2016. The panel welcomed the prospect of a new Hoxton hotel, which would strongly support the further regeneration of the Green. It was noted that the Dorsett had been a benefit to the area and it was considered that the Hoxton would be a valuable addition to the activity along the west side of this space.

1.19 The Panel supported the active frontage and outdoor dining along the building frontage that would be possible. The panel felt the scheme did not yet meet the architectural opportunities of its site and that the facade design was somewhat underwhelming, and over-scale in relation to the Dorsett Hotel. It was felt that there should be 'a winner' between the three pavilion elements proposed within the front elevation, and that this most prominent element should relate more directly to the main entrance, thus focussing this more clearly.

1.20 In response to the comments received from the DRP and other interested parties, the emerging proposals were comprehensively reviewed and a number of significant improvements and amendments were made to the scheme. The key amendments made were as follows:

- Height and massing of the scheme was revised so as not to challenge the Dorsett. The overall height of the scheme was reduced and special quality to upper floors introduced through façade details.

- A 'winner' pavilion was introduced to the centre through height and alternative window style, providing a strong connection between tallest element and main entrance and a beacon for way-finding.

- Lighter brickwork was introduced to address the 'heaviness'. The base was also toned down to better integrate with the upper floors.

1.21 The revised pre-application proposals were presented for a second time to the Council's Design Review Panel on 21 February 2017, who welcomed the revised massing strategy. The moving of the focus of height /mass and centre of gravity away from the listed Dorsett Hotel (to a more balanced relationship centred on the central bay) was considered to be positive, providing the building with more confidence, integrity and individual identity whilst remaining a polite neighbour.

1.22 The Panel welcomed the change in brick colour at the base of the building to a lighter tone, and the proposed programme to engage with the public realm along the important street frontage of Shepherd's Bush Green, taking advantage of the opportunity to provide much needed animation. The Panel welcomed the scheme in principle and advised recommended that the detailed design continue to be developed to address to address the following comments:

1. The central portion should read more strongly and be more confident;

2. The central top part of the building could be better articulated and break the cornice line;

3. The top of the building should have an aspirational quality;
4. More depth and richness could be added to the front facade;
5. An improved hierarchy between the top, middle and base of the building should be established;
6. Stronger immediate and detailed scales should be explored;
7. Windows could benefit from a finer grain to assist with the facade scale;
8. The ground floor space could be more permeable visually and physically;
9. Servicing strategies should avoid compromise to the boundary tree amenity for residents;
10. The southern and northern elevations should celebrate their visual prominence;
11. The handover between elevations should be reviewed.

1.23 In response to further consultation exercises and the above DRP comments, the applicants introduced a number of detailed design measures prior to the submission of the application.

1.24 The applicant has also continued an ongoing dialogue with interested parties throughout the application period with interested parties including residents of Pennard Road and the proposals have been revised in response to application consultation feedback.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised as a major development and has been publicised by way of a press notice and site notices. 698 residential owners/occupiers and commercial operators in the neighbourhood were also notified by letter advising of the planning application.

2.2 In total, 8 objections have been received, from neighbouring properties in Bush Green House, Library Mansions, Pennard Road and the Dorsett Hotel. The objections received can be summarised as follows:

- Concerns regarding noise and disturbance associated with building works, following building works at Dorsett Hotel and Bush theatre.
- Objection to another hotel in Shepherds Bush next to the Dorsett. The existing building should be reused by an existing business.
- Loss of privacy.
- Loss of daylight, sunlight and overshadowing.
- This is a densely populated area with no parking, so building another hotel is a bad idea.
- The proposed development would have a dominating impact, and our right to the quiet enjoyment of our properties, as per Article 8 of the Human Rights Act.
- Concerns regarding the height and bulk of the new building which exceeds the existing building.

- With respect to Landscaping and trees the current proposal is vague in relation to the existing trees between the rear of the residential properties on Pennard Road and the new development which contribute to the privacy for residents. Concerns regarding the loss of these trees which would result in loss of privacy. Also concerns regarding harm to biodiversity and character of the area associated with the loss of these trees. The planting of young trees will not provide the same benefits as described above.

2.3 The Dorsett Hotel objected to the proposal and raises the following concerns:

- Concerns regarding the impact the development would have on the operation the Dorsett hotel.
- The proposed development would result in an impact to the surrounding residential area and our hotel. Currently we have not been fully consulted by the applicant on their scheme and more specifically on how they are proposing to deal with the impact to our operation.
- Concerns regarding the proposed transport and servicing to the new hotel.
- Concerns regarding loss of daylight and sunlight.
- how the proposed hotel will be built and what measures are proposed to be implemented to have minimal impact on our operation

2.4 Two responses were received in support of the application from neighbouring properties. Comments can be summarised as follows:

- Great news to see an uninteresting building go away and for something new which enhances the area. I hope the same awaits other monstrosities which have spoilt the green over time.

2.5 The following groups and statutory bodies were also consulted: Hammersmith and Fulham Historic Buildings Group, Hammersmith Society, Pennard Neighbourhood Watch, Greenside Residents Action Group, Grampians Residents Association, Granville Mansions Association; Shepherd's Bush Town Centre Manager, Crime Prevention Design Advisor, Environment Agency, Historic England; Thames Water, Transport for London, London Fire and Emergency Planning Authority.

2.6 The Hammersmith and Fulham Historic Buildings Group have responded in support of the proposal. They state:

- We consider that the current proposals are much more acceptable than earlier pre application versions.
- We are pleased to note that the two wings have been set back giving the central section more prominence and breaking the building line. This distinction is increased by the differing pattern of the glazing bars.
- We note that the windows on the rear elevation are smaller, resulting in an overall reduced percentage of glazing compared to the existing building.
- Given the reduced height and the stepping back of the southern wing, the building now sits more comfortably next to the Dorsett Hotel which we consider should be the dominant structure at this end of the Common.
- We are pleased to note that the plant and machinery on the roof will be behind occluded glazing on the front elevation.
- We feel the success of the scheme will be dependent on the tone of the brickwork, therefore we request that we can view brick samples prior to approval.

## 2.7 The Hammersmith Society has responded objecting to the proposal stating:

- We were initially invited by the development team in November 2016 to a joint viewing of preliminary proposals together with members of the Hammersmith and Fulham Historic Buildings Group.
- We wrote a response on 1 December and welcomed the community aspects of the proposed Hoxton Hotel, and supported the Change of Use. We also welcomed the ground floor 'retail plinth' and the choice of brick as the overall material, which we felt should be empathetic with that used on the Dorsett Hotel. We expressed concerns about the height and bulk specifically in relation to the adjoining Dorsett Hotel : We were also concerned at the overbearing effect onto the residential properties in Pennard Road, particularly at the northern end of the site. We thought that the three block elements of the design should be more articulated in a symmetrical overall elevation onto the Green, with lower sections at each end.
- We were sent some draft revised coloured drawings of the east elevation in February of this year. These appeared to largely overcome our concerns about the bulk and form of the proposals.
- We have studied the latest revisions which now form the basis of this application. We are pleased to note that the elevations have been further revised in their bulk and articulation, and that the two bookends of the composition are both lower and set back from the central section. The introduction of a largely glazed clerestory upper floor treatment is welcome as an effort to reduce the bulk of the scheme, although we still feel that the overall height is still too dominant in its relationship with the Dorsett Hotel.
- We are disappointed that nowhere in the documentation could we find an east elevation (or front on visualisation) showing the two buildings in context. We also note that despite the stepping back of the rear west elevation in section, there is still infringement of the daylight angles from the properties on Pennard Road : This is hardly acceptable for a new building.
- We still find the overall design is mediocre and uninspired and in our opinion should aspire to be better. We note that the styling of the brickwork is described in the documentation (eg. The Planning Statement) as 'warehouse/industrial', apparently welcomed by Council officers and the Design Review Panel. This aspiration is in itself laudable and there many excellent examples of the type (eg. The Dimco and DunnHumby buildings locally) where simple design and assured detailing around windows and elsewhere lift them above the ordinary and provide suitable dignity. This building requires similar uplifting in its detail design.
- In our initial response in December, we also commented on the importance of the choice of brickwork. Early proposals indicated a colouring similar to the Dorsett Hotel, which we would welcome. However, the latest colour renderings indicate a much paler reddish yellow brick for the main areas which we feel would be less suitable. We agree with the HBG that before the colour of this and the grey brickwork for the ground floor are chosen that there should be further consultation based on a large scale sample panel on site.
- We are pleased to note that the existing trees on the Green are to be protected as part of the proposals. There is limited opportunity for soft landscaping on the site but we welcome the new trees proposed at the rear of the site to assist with screening to the Pennard Road properties. We would emphasise the importance of consultation with the residents affected.
- While we welcome the principle of a Hoxton hotel and the retail element in this location, and its potential community benefits, we are disappointed with its architectural expression which we feel could be further improved. We are also concerned at the overbearing nature of the proposed building on the residents of Pennard Road. We



therefore suggest that a decision is refused or deferred while the design is reconsidered.

2.8 Planning matters raised by residents, businesses and consultees not commented on above will be discussed in the body of the report.

2.9 Historic England: No objection.

2.10 Thames Water: No objection subject to conditions.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to determine the merit of the proposed development are: land use and acceptability of a hotel use in this location; the scale, bulk, design and appearance of the proposed building; the impact of the development on the street scene and character and appearance of the conservation area and setting of adjacent listed buildings and buildings of merit; impacts on the existing amenity of the neighbouring properties in terms of noise, light, privacy, outlook and glare; traffic generation, servicing and parking; accessibility; energy efficiency and sustainability; and environmental impacts.

#### PRINCIPLE OF REDEVELOPMENT

3.2 The NPPF supports the delivery of mixed and balanced communities, with the key focus being on growth, regeneration and development. It supports the effective use of land by reusing land that has been previously developed (brownfield land).

3.3 The site is located within the historic core of Shepherd's Bush Metropolitan Centre where hotel and leisure uses are supported in strategic terms by both the GLA and LBHF.

3.4 The site is also located within the White City Opportunity Area. The WCOAPF recognises that the town centre is the key location for arts, cultural and leisure facilities in the opportunity area (OA), as well as for related hospitality and tourism. It has a longstanding reputation for a vibrant night-time economy, with venues such as Shepherd's Bush Empire, Bush Theatre, two cinemas, the Ginglik (now closed), and numerous other pubs, restaurants, and bars. It states that 'The promotion of the night-time economy must strike an appropriate balance with the residential uses in and around the town centre....' Furthermore, the framework states that 'The provision of hotel accommodation in the area is supported by both the Mayor's London Plan and LBHF's Development Plan. LBHF DMLP policy DM B2 states that permission will be granted for new visitor accommodation and other facilities in the OA subject to certain criteria being met. The London Plan seeks 40,000 additional hotel bedrooms by 2031 located primarily in town centres and opportunity areas.'

3.5 The Hoxton hotel proposals will strongly assist in meeting the WCOAPF's aspiration to reinvigorate the historic town centre of Shepherd's Bush. Unlike usual hotel models with an inward focus, The Hoxton looks outwards, actively seeking interaction with local residents, businesses and creatives. In addition to welcoming and publicly accessible bars and restaurants, The Hoxton also runs 'Hoxtown', an events platform ranging from pop up shops and exhibitions to yoga and performances. These are open

to the local community, typically free or good value and are run by The Hoxton as a social investment with no direct financial profits made by the hotel.

3.6 The application comprises the demolition of two unremarkable 1950s commercial buildings and their replacement with an enhanced building of a more appropriate use. The Hoxton proposals will achieve the aims of WCOAPF for this part of the town centre within a single building, providing a vibrant and creative place with a stimulating and high quality building where people will want to live, work, shop and spend their leisure time.

3.7 The synergy and connections between The Hoxton and other existing venues such as the Bush Theatre will help to revive Shepherd's Bush town centre as a thriving destination, as well as an increasingly attractive place to live work, in turn attracting further major investment opportunities to Shepherd's Bush.

3.8 The Site is identified as a future development opportunity within the WCOAPF and Conservation and Design Officers have advised that the demolition of the existing buildings is acceptable, subject to appropriate redevelopment proposals.

3.9 Pre-application proposals were also presented to Economic Development Officers, the Shepherd's Bush Town Centre Forum and the Council's Design Review Panel, who all welcomed the prospect of a new Hoxton hotel, which would strongly support the further regeneration of Shepherd's Bush Town Centre.

## LAND USE

### Hotel

3.10 The applicant owners acquired the site in late 2015 after it had been marketed for sale unsuccessfully for at least five years. They hope, through this application and subsequent redevelopment, to ensure a smooth transition into the permanent hotel use within a new building that makes a positive contribution to the economy, setting and life of Shepherds Bush Town Centre.

3.11 In addition to strongly supporting the regeneration of Shepherd's Bush town centre, the proposals will also assist London in meeting the London Plan (2016) aim of 40,000 additional hotel bedrooms by 2031 located primarily in London's town centres and opportunity areas (such as the WCOA and Shepherd's Bush Metropolitan Centre), as well as the London Plan's targets for a greater dispersal of accommodation outside London's central area, an improvement in the range and quality of provision and for accommodation that meets the needs of businesses.

3.12 The proposed development will also adhere to criteria that new hotel development within the town centre and the White City Opportunity Areas is expected to meet under Development Management Plan Policy DM B2 (and Proposed Submission Local Plan Policy E3) as follows:

- The site is well located in relation to public transport.
- As detailed within this planning statement and other technical reports submitted in support of the application, the development and its associated uses will not have a

detrimental impact on the local area. Further details on the operation of the hotel are provided below.

- There will be no loss of permanent housing. The principle of the loss of office, retail and education floorspace is considered further below.
- Provision of adequate off street servicing will be provided, which has been developed in consultation with LBHF Highway Officers.
- At least 10% of the hotel bedrooms are designed as wheelchair accessible (see below for further details).
- the facility being of a high standard of design. The scheme was taken twice to Hammersmith and Fulham's Design Review Panel during pre-application design development. This process was fundamental to securing a design that reflects local pride in the location and responsiveness to the prevailing character of the area as expressed in the materiality and architecture of the buildings that surround the Green.
- the scheme will add to the variety and quality of visitor accommodation available locally.

3.13 The applicant owners have also advised that Hoxton hotel proposals will provide the following benefits:

- The Site is formally identified with the WCOAPF as a future development opportunity and its redevelopment to provide a Hoxton Hotel will help the Council meet one of its key aims of extending the range and quality of facilities available to employment, leisure and the arts to the western side of the Green.
- Hoxton's London hotels are designed to serve the needs of the whole population who live, work and visit the area. Hoxton hotels contains extensive facilities that are fully publicly accessible, as well as programmable spaces that are used by community, business and arts groups for meetings, events, launches, performances and exhibitions.
- The public facing aspects of the proposed hotel will provide facilities throughout the day and until late. It will serve as a destination for local people and the area's increasing numbers of visitors. In so doing it will help to connect movement across the Green, so reducing the perceived separation of Goldhawk Road/Uxbridge Road and Shepherd's Bush Market from the transport and retail facilities within the Westfield scheme.
- The Hoxton Hotel will act as a platform for local creative business, art and community groups. Hoxtown events within existing hotels range from pop up shops, event launches and exhibitions to yoga and theatrical performances. All events will be open to the local community (typically fewer than 5% of attendees are hotel guests) and will typically be free or good value. In respect of Shepherd's Bush, contact has already been made with the Bush Theatre to discuss possible future collaborations with Hoxtown.
- In addition to 'Hoxtown' events, Hoxton hotels provide a hub for local entrepreneurs at any time of day. All day hospitality and free wi-fi make the Hoxton an ideal destination for entrepreneurs and start-ups, as well as media and creative businesses, offering informal work space, meeting areas and networking opportunities.

- The Hoxton Hotel also will bring additional employment to the Shepherd's Bush area including full time skilled hotel and hospitality staff. Based on projected requirements, the scheme will provide circa 151 Hoxton employees, plus a further 40 agency jobs. 40% of who will reside within the local area. Typically, the average length of service within a Hoxton Hotel is 3 years versus industry norm of only 1 year and contract work accounts for only 16% of total staff numbers. 2.4.7 As well as being a major employer of local people in its own right Hoxton will also act as a catalyst for business growth within the Opportunity Area by addressing unmet demand for destination café/bar/restaurant facilities, all of which are important considerations for relocating businesses.

3.14 The proposed hotel development therefore accords with the objective within the Opportunity Area as a location for additional visitor accommodation and also complies with the London Plan Policy 4.5 for providing additional accommodation within town centres (and Opportunity Areas) and also the criteria outlined in Policy DM BM2 of the Development Management Local Plan.

Retail (including hotel restaurant/s and bar)

3.15 The application site is located within Shepherds Bush town centre which is designated as a metropolitan centre in the London Plan.

3.16 The WCOAPF confirms that the three complementary retail 'anchors' of Westfield shopping centre, West 12 shopping centre and Shepherd's Bush Market serve as the main retail destinations in the town centre. Retail frontages along Goldhawk Road and Uxbridge Road connect the 3 anchors with smaller retail activities.

3.17 In contrast the site itself is located within a non-prime retail frontage within the historic centre of Shepherd's Bush Town Centre, within which the growth of retail, arts, cultural, leisure and night time economy is a land-use priority of the Council. The WCOAPF notes that "The 'historic' town centre has started to adapt to capitalise on the growth of the centre (brought about by increased footfall to Shepherd's Bush from Westfield), but much more can be done."

3.18 Accordingly, Strategic Policy C of the Core Strategy confirms the Council's priority "will be to strengthen the historic town centre by encouraging commercial and leisure based development and uses that will help regenerate town centre functions and link with the White City Opportunity Area."

3.19 With regard to site specific development proposals development Management Plan Policy DM C1 supports proposals that enhance the viability and vitality of the town centres, seeks to ensure a range of accessible shopping and other town centre uses to meet the needs of local residents, workers and visitors, and seeks a mix of retail units in major developments.

3.20 The proposed retail and mixed uses are supported by the Core Strategy (Strategic Policy C) which encourages diversity and distinctiveness in the shopping mix in the Boroughs town centres. The Strategic Policy for White City Opportunity Area encourages the regeneration of the White City and adjacent estates. In addition, the proposed mixed use, especially the bar and restaurant use, is further supported by Policy WCOA as the council aim to maintain and encourage Shepherds Bush's role as a centre for entertainment and, to create a vibrant and creative place with a stimulating

and high quality environment where people will want to live, work, shop and spend their leisure time.

3.21 With regard to the loss of existing A classes within non-prime retail town centre frontages, Development Management Plan Policy DM C3 allows such changes where they are shown to be complementary to the shopping frontage, maintain or increase the vitality and viability of the town centre, and not have an adverse impact on the local area. The policy advises that more than 50% of the length of the individual street block should remain in class A1 uses that no more than 33% of the length of frontage of the individual street block should be class A3, A4, A5 and sui generis uses, such as amusement centres or mini-cab offices.

3.22 The Proposed Submission Local Plan has been submitted for examination and will supersede the Development Management Plan in late 2017. Policy TLC2 of the Proposed Submission Local Plan adopts a more flexible approach to Development Management Plan Policy DM C3 and confirms that within non prime retail frontages such as Shepherd's Bush Green, the following criteria (3-6) of the policy will apply and that changes of use from A1 will be considered on the following basis:

- The nature and characteristics of the proposed use are complementary to the shopping frontage;
- The proposed use contributes to the function of the centre in terms of the size of the unit, the length of its frontage and the location of the unit within the centre;
- Planning conditions will be imposed in any permission for such changes of use to secure provision of a shop style fascia, and window display at street level, and to control the hours of opening of class A3-A5 uses; and
- Consent will not be granted for residential use within the ground floor frontage.

3.23 With regard to Policy DM C3, 50% of the existing building's street block length is not currently within Class A1 use, as the frontage also includes a including a mixture of dead frontage in the form of the office entrances, vinyl frontage of the former college and a vehicular access through the centre of the frontage. Of the existing three A1 units, the Post Office is currently vacant having recently relocated to WHSmith in Westfield shopping centre as part of its nationwide reconfiguration of PO counter services. 'Dessertz cafe continues to trade, but the applicants state that they intend to relocate into nearby premises when their current tenancy expires in the very near future. The other existing A1 retail unit (previously operated by Mix Hair and Beauty) has been vacant since June 2016.

3.24 In contrast the nature and characteristics of the proposed ground floor uses will fully accord with the non-prime retail requirements of TLC2 of the Proposed Submission Local Plan. They are complementary to the shopping frontage and the town centre, providing publicly accessible restaurant, bar and coffee shop facilities at ground level and shop style active frontage.

Loss of Office and College Floorspace

3.25 With regard to the loss of existing office use on site, Core Strategy Policy LE1 seeks to retain premises capable of providing continued accommodation for local services or significant employment unless:

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

3.26 Where the loss of employment use is proposed in line with borough wide policy LE1 (sub para.3) DM Policy - DM B1 advises that the council will have regard to:

- the suitability of the site or premises for continued employment use with or without adaptation;
- evidence of unsuccessful marketing
- The need to avoid adverse impact on established clusters of employment use and
- the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations.

3.27 Proposed Submission Local Plan Policy E2 also advises that permission for the loss of employment floorspace will only be granted where:

1. continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be evidenced that the property is no longer required for employment purposes.

3.28 Where the loss of employment use is proposed in line with sub para.3 above, the council will have regard to:

- the suitability of the site or premises for continued employment use with or without adaptation;
- evidence of unsuccessful marketing over a period of at least 12 months; the need to avoid adverse impact on established clusters of employment use; and
- the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses, including small and medium sized enterprises, in appropriate locations.

3.29 Paragraph 6.74 of Proposed Submission Local Plan advises that where accommodation is poorly suited to meet the requirements of modern occupiers and where the cost of modernisation cannot be justified, the council may grant change of use. Robust evidence will be required to support change of use on this basis in the absence of marketing information.

3.30 In respect of community uses, Core Strategy Policy CF1 seeks to protect existing community facilities and services where there is an identified need. Development Plan Policy DM D1 also seeks the retention or replacement of existing community uses, unless there is clear evidence that there is no longer an identified need for a particular facility.

3.31 The site is presently occupied by two conjoined buildings constructed in or around the late 1950's/early 1960's as speculative offices. After a period of occupation by the BBC the building underwent a very basic conversion into low-grade serviced office use. That use of the upper floors declined from 2015 onwards and ceased entirely during 2016.

3.32 The existing low specification office floorspace has reached a point of functional and economic redundancy. Its original specification was basic and its amenities, layout and dimensions are distant from modern office requirements. In addition its services and installations were all dysfunctional prior to closure.

3.33 The upper office floors are vacant, having been previously tenanted on short term licenses. This includes floorspace previously tenanted Grafton College of Management Sciences, who relocated from the in October 2016, moving to a new Campus at Ilford House on Oxford Street, City of Westminster.

3.34 Ashdown Phillips commenced management of Threshold and Union House, following purchase of the building by Newco 8915 Ltd in January 2016, the Site having been previously marketed unsuccessfully for at least five years. They have confirmed that the previous management of the building was poor, with no current statutory compliance and no periodic maintenance. In particular:

- There was no evidence of any regular electrical maintenance or a recent 5 year fixed wire testing (a statutory compliance). Given the amount of works required, serious consideration was given to close the building. To resolve the defects, Capitol Engineering had 2 engineers working 12 hour shifts for 8 weeks to make the building safe for the occupants. Approximately 30 vacant units where the electrics were isolated, in order that the areas are safe. These office suites are currently not able to be occupied.
- The fire risk assessor found around 30 faults related to the fire safety in the building. The faults were rectified in the short term and the risk of fire has contained, however the only long term solution would be to take all the partitions down and re-wire the building which is a major and costly thing to do.
- There was an incident of a section of external concrete falling onto a vehicle. A subsequent structural survey of the area highlighted the external concrete is in a poor condition and requires further monitoring. Following advice from the structural surveyor, we will be installing netting to the Threshold House side elevation, as a temporary

solution/protection. Following installation of the netting, the area will require further investigation after 2 years.

- A fascia panel to front of building above ground level windows, had fallen adjacent to the car park entrance. Wooden battens fixings for all panels are rotten. All fascias were subsequently removed.

- The heating system is obsolete and inefficient and will require replacing in the short term.

- The air-conditioning within the building is not working efficiently, again this requires replacement in the short term.

3.35 With regard to the loss of existing office building, it is clear existing office accommodation in the building has reached the end of useable life span and unlikely to attract occupation without significant major refurbishment, the cost of which cannot be justified.

3.36 In comparison, the Hoxton hotel proposals will achieve the aims of WCOAPF to reinvigorate this historic part of the town centre within a single building, providing a vibrant and creative meeting place and an important link between the surrounding attractions such as Shepherd's Bush Market, The Bush Theatre and Westfield White City. It would generate a demonstrably greater benefit to Shepherd's Bush, helping to revive the historic centre as a thriving destination, better achieve the strategic objectives of the WCOAPF and attracting further major investment opportunities to the area.

3.37 The proposals will not lead to the displacement of office or educational use occupiers, as the upper floors are vacant and previous tenants relocated. While the design of the development is such that it's not possible to provide new office or community use floorspace on site, the proposals will provide a number of employment and community benefits that are inherent to the Hoxton and Hoxtown.

3.38 A particular interest for the council and the applicant is the potential of Hoxton Hotel to support the borough's emerging Arts and Cultural Strategy. Shepherds Bush is being increasingly recognised as an area of national and metropolitan scale importance for arts and creativity. The area has a long history of artistic and musical creation and performance. From the BBC to The Bush Theatre and including Bush Hall, the Shepherds Bush Empire, Bush Studios and London College of Fashion - amongst many other locally-base institutions - Shepherds Bush has the potential to continue to attract an increasingly large cluster of creative agencies and a growing audience from across London and beyond.

3.39 Hoxton's own events brand - 'Hoxtown' - is a very strong fit with this aspiration. As well as providing new venues for events, launches, performances and exhibitions the proposed Hoxton Hotel will provide new food and drink offers and increase the appeal of Shepherds Bush as a visitor destination in its own right.

3.40 The applicant has confirmed its enthusiasm for becoming a fully committed partner in the Council's Arts and Cultural programmes and has already stressed its openness to support plans for a local festival. There have also been very encouraging discussions with the Bush Theatre about opportunities for joint marketing and shared performances. Ennismore has already provided support to the theatre and we have discussed long-



term arrangements to encourage and promote its further success. Performance promotions and possibly ticket sales alongside hotel bookings are one option being considered alongside the potential for readings, promenade and festival performances, and even live screening relays into the Hoxton's public spaces.

3.41 The proposals also have the potential to create new jobs for local people. Hotels run day and night and therefore create 3 cycles of employment in each 24 hour period. Hoxton is a committed local employer with a market-leading record for average length of stay in post - close to 3 years as compared to a market norm of only 12 months. Hoxton seek to recruit locally to their hotels wherever possible. Not only does this help to embed each hotel in its own neighbourhood - with obvious benefits for all of our guests and customers - it also minimises travel to work issues and improves our efficiency. With circa 190 jobs likely to be created in the new hotel, Hoxton wish to work with the borough and local training, employment and education agencies to maximise local take up of these positions. With a planning consent in place it will be possible to use the approximately 24 months prior to opening to help encourage local job seekers into training in readiness for the commencement of operations.

3.42 The principle of the loss of the office, education and A1 retail floorspace in this location is therefore considered acceptable and in accordance with the NPPF and local plan policies given the nature of the proposed use.

3.43 The main planning issues arising out of this proposal therefore relate to the design and form of the proposed new build and whether the development would impact unacceptably impact on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic which is further examined below.

## TREES

3.44 London Plan Policy 7.19 'Biodiversity and Access to Nature' and Policy 7.21 'Trees and Woodland' are concerned with protecting biodiversity and trees. The policies requires that if a tree is to be removed, it should be replaced following the principle of 'right tree, right place'. 3.19 The DMLP Policy DM E4 'Greening the Borough' seeks to protect existing trees and maximise planting; and SPD Sustainability Policy 22 and SPD design Policy 56 encourages the planting of additional trees.

3.45 A total of 20 trees (on and adjacent to the site) with the potential to be affected by the proposals were surveyed as part of the application. Of the 20 surveyed trees none are A category \*(High Quality), 5 are B category \*(Moderate Quality), 5 are B/C category \*(Moderate / Low Quality), 8 are C category \*(Low Quality), 1 is C/U category \*(Low Quality / Unsuitable for Retention) and 1 is U category \*(Unsuitable for Retention).

3.46 The tree species on site comprise Norway maple, Leyland cypress, common lime, mimosa, sycamore and common ash. Lime trees T7-13 have an approved history (e.g. 2006/03035/TREE) of hard pruning (cyclical removal of canopies) to mitigate nuisance to neighbours.

3.47 The principal impact of the application proposals comprises the removal of T7-T13 pollarded limes. 5 of these trees were assessed as being of moderate / low quality with the remaining 3 of low quality.

3.48 The applicant's design team has confirmed that alternative means of retaining these trees (with e.g. no-dig construction access) is not considered to be viable. In addition, the cyclical removal of their canopies has been allowed in the past to mitigate nuisance complaints from neighbours. The net fossil fuel consumption of routinely removing the leafy character of these trees outweighs any environmental benefit they would otherwise accrue and therefore the benefit of these trees relates solely to the visual amenity and screening that they provide between the rear of the site and the Pennard Road rear gardens.

3.49 The applicant's arboriculturalist has advised that replacing the 7 pollarded limes with the principle of right plant: right place (as endorsed in the London plan) would be more environmentally responsible, reduce nuisance associated with existing sticky deposits and maintain long term visual amenity provided by tree canopies over the long term.

3.50 Accordingly, during the course of the application, a replacement tree planting strategy is proposed, which has been developed in consultation with the Council's tree officer and residents of Pennard Road. Adjoining residents on Pennard Road were re-notified in writing with regards to these changes. Following this further consultation no further comments were received from neighbours.

3.51 The tree replacement proposals comprise the planting of 8 x *Carpinus betulus* Frans Fontaine to be planted as specimen trees, wire root balled or containerised with approximately 150cm spread, a height between 700 - 900cm and 35/40cm girth. *Carpinus betulus* Frans Fontaine is an attractive and tidy columnar Hornbeam which is ideal for restricted spaces. It grows to a height of approximately 10 meters, but only 3 meters wide. The foliage is a bright green in spring, turning to gold and orange in the autumn time. Unlike the more ubiquitous 'Fastigiata' form, Frans Fontaine preserves the attractive lateral boughs of the species and retains its columnar habit throughout its life.

3.52 The tree species has been selected for its columnar habit and limited growth. As such, the trees should not require any pruning to restrict growth. Rather than blocking the views altogether with a green wall of canopy that can be oppressive and cast dense shade, the replacement trees will break up / punctuate the view with clear daylight between each tree, but provide enough individual screening for privacy. The overall effect of these measures will be to provide an attractive screen which breaks up views in and out of site without becoming overbearing and repeating the mistakes of the previous planting scheme.

3.53 The full potential of the impacts of the development on trees to be retained can be largely mitigated through design and precautionary measures. These measures can be elaborated in Method Statements in the discharge of planning conditions

3.54 The Council's Arboricultural officer has assessed the proposals and considers that the replanting proposals will re-provide the visual amenity that will be lost. In this respect the proposal complies with the above policies.

## HERITAGE and DESIGN

3.55 The proposals are for the demolition of Union and Threshold House, and the removal of the open car park to the rear. To be replaced by a 200-bed hotel with bar restaurant and meeting rooms. The Hotel would be run by the Hoxton chain where the

aim is to locate in distinctive areas in order that they can contribute to the general regeneration and uplift in areas. In this sense, Hoxton are outward looking and actively seek interaction with the local community and have an open door policy to events held at the Hotel.

### Location & Heritage Context

3.56 The site lies on the west side of Shepherds Bush Green in Shepherds Bush town centre, and lies within the wider White City Opportunity area. It is Council Policy to strengthen the historic town centre by encouraging commercial and leisure based development that will help regenerate and establish long term viability for the town centre and links with the wider opportunity area.

3.57 The site faces the heavily-trafficked Shepherds Bush gyratory around the Green. The perimeter of the Green is lined by several mature London Plane trees giving a soft screen through which the buildings are viewed from around the open space. The Green has a varied character to each of its three sides. The west side consists primarily of individual stand-alone buildings, and was the focus for leisure and entertainment use.

3.58 The immediate neighbour to the north is Lawn House which is a red-brick commercial building from the 1980s, and to the south is Dorsett Hotel a successful refurbishment of the former Odeon grade II listed building, which forms the centrepiece to the west side of the Green.

3.59 To the west, the scale of the built form reduces considerably and the site adjoins the rear boundaries of the rear gardens of the terraced properties in Pennard Road.

3.60 The site lies within the Shepherds Bush conservation area and there are a number of heritage assets in the wider area. However, of most significance in relation to the development of this site, would be:

- Odeon cinema 60 Shepherds Bush Green - grade II listed
- Former BBC Television Theatre Shepherds Bush Green - grade II listed
- War memorial Shepherds Bush Common - grade II listed

And the following Buildings of merit:

- Former Cinematograph Theatre & Odeon II
- Former Bush Hotel PH
- Former Shepherds bush library [ now Bush theatre]
- Nos 1-5 Uxbridge Road
- Nos 134- 142 Uxbridge Road
- Nos 156-162 Uxbridge Road

### History

3.61 Up until the mid-19th century the area was largely open fields. The Common area was used by shepherds for pasture on their way to Smithfield Market. With the arrival of the railways, residential development in the form of dense terraced housing began to spread in the areas around the Green. By 1916, Pennard Road had been laid out and its junction with Uxbridge Road was flanked by a fire station and the library in recognition of its municipal importance as a local centre. The Empire and Picture

Theatre had been built either side of Rockwood Place and the entertainment focus was later enhanced by the construction of the Odeon in 1923. Threshold and Union House replaced the last of the houses on the west side of the Green in the 1960s.

### Existing Buildings

3.62 The site is currently occupied by a pair of commercial buildings, Threshold House and Union House, of matching design dating from the late 1950s. The buildings are set back from the street edge creating a wide paved footpath which accommodates five mature trees along the frontage. The buildings rise to six storeys with a common parapet.

3.63 The ground floor accommodates some retail units with generally poor replacement shop frontages. The main part of the elevation has a predominantly horizontal architectural expression with horizontal proportioned windows alternating with brick bands. The strong horizontal emphasis is counterbalanced to some extent by narrow stone piers which divide the façade into vertical bays.

3.64 Both office buildings have reached the end of their useful life as neither is able to offer the size or flexibility of floorplate which is desired by prospective companies looking to move into the area. The buildings have in recent times been subdivided in an ad-hoc manner to suit temporary occupiers.

3.65 Both buildings have an outdated design and have limited architectural quality, having a negative impact in the group of buildings along this edge of the Green.

### Townscape and Surrounding Context

3.66 The townscape around the application site is varied in character and this is typified by the distinct architectural characters to the three edges of the common. The western edge contains the large entertainment palaces whose scale addresses the open space at their frontage but is in stark contrast to the residential terraced streets to the rear. In this sense the new development would take its place amongst a group of individual and unique pavilion-style buildings which despite their differing architectural characters form a coherent piece of townscape defining the edge of the Common. The successful integration of the new design into this group would mean that the heritage assets would remain unharmed with the opportunity to enhance this part of the conservation area

3.67 In addition to respecting the group on the frontage, the proposal would need to be mindful, in terms of massing and design, of the terraced properties to the rear in Pennard Road.

### Urban Design

3.68 The successful integration of the site with its surroundings is key to any development on this site. The design of the new hotel building would need to respect its setting on the west side of Shepherds Bush Green, be of high quality and contribute to the fine group of buildings along this edge. The proposal is described in further detail below.

### Policy Context

## NPPF

3.69 The National Planning Policy Framework (NPPF) seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

3.70 The NPPF states that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 7 of the NPPF outlines the requirement for good design and sets out that development should:

- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- Be visually attractive as a result of good architecture and appropriate landscaping.

## London Plan

3.71 Chapter 7 of the London Plan sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. Policy 7.1 - Lifetime Neighbourhoods states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. Policy 7.2 - An Inclusive Environment requires all new development in London to achieve the highest standards of accessible and inclusive design. Policy 7.3 - Designing Out Crime seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.

3.72 Policies 7.4 - Local Character, 7.5 - Public Realm and 7.6 - Architecture of the London Plan are all relevant and promote the high quality design of buildings and streets. Policy 7.4 states that development should have regard to the form and function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings whilst policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. Policy 7.8 - Heritage Assets and Archaeology states that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

## Development Management Local Plan

3.73 Core Strategy Policy BE1 states that all development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive

urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

3.74 Chapter G - Design and Conservation of the Development Management Local Plan (DMLP) sets out to preserve and enhance the quality, character and identity of the borough's natural and built environment. Policy DM G1 builds on the above mentioned policies and other design and conservation policies. It 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. Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets.

3.75 This is a significant piece of redevelopment, which due to its scale will be visible from various locations in the surrounding townscape. The acceptability of the proposed building then needs to be judged on the impact that it would have on views from the surrounding townscape and in particular the impact on the setting of the surrounding heritage assets. A series of visual studies have been prepared in order to assess the impact. A detailed analysis of these is carried out in the Townscape Assessment.

#### Design Evolution

3.76 The design sets out to achieve several objectives. It needs to accommodate the capacity required for the hotel without causing significant harm to the surrounding townscape. It also must be of the highest architectural quality, positively contributing to the townscape of this edge of Shepherds Bush Green and providing a cohesive design which gives positive identity to such a prominent site in the Borough.

3.77 The key aims for the frontage were identified and agreed with the applicants at the outset. Most importantly, the new building should integrate into the frontage of rich diverse and confident individual buildings forming their unique setting to the Green. The façade should be equally confident with a civic quality, which acknowledges its prominent position and visibility from across the Green. The design should provide an active frontage taking advantage of the opportunity afforded by the wide expanse of footway fronting the site.

3.78 At the rear, the massing needs to respond to the terraced housing on Pennard Road whilst respecting privacy and providing an improved outlook for residents

3.79 The proposed design has been developed from these initial aims and adjusted in response to comments received.

3.80 During the development of the proposed design, comments were received both from the public consultation exercises carried out and the scheme reviews at the Design Review Panel in November 2016 and February 2017. All comments have assisted the applicants in developing the proposal and have been adopted where possible.

#### 3.81 Design

3.82 The architects sought to bring together the key objectives in the architectural design for the site.

3.83 Various options were explored for the massing along the frontage. The proposed massing is a symmetrical composition with increased height in the central pavilion with lower end wings. The massing at the upper levels is recessed back from the flank walls. The symmetrical composition is a direct response to the broad vistas afforded to the development across the Green and that it enables the massing to be stepped away from the neighbouring listed Dorsett Hotel to the south.

3.84 The elevation adopts a clear expression of base, middle and top which is assisted by the change in materials in each part. The main body of the elevation is composed in red brick with deeply recessed dark-grey metal framed windows which on the outer bays have a more vertical proportion set within full height brick piers giving the façade articulation and interest, and a finer grain and variation from the central bay where the brick façade is simpler and the windows balanced in proportion. The central pavilion is 7 bays wide and above the consistent alignment at the base of the building, sets itself forward of the end wings. The central block is expressed with a more regular grid and larger window openings than the two end wings. Brick on the central pavilion is taken through the brick-corbelled cornice to strengthen this component in the frontage. Here, the brickwork would be complemented by castellated glazed brick creating a distinct top to the building which will contribute to the skyline silhouette of the buildings along this edge of the Green.

3.85 The architects have been developing the detailed design of the elevation, in particular the depth and modelling to the façade, which has now given officers comfort that the proposed scheme will result in high quality elevations.

3.86 The design acknowledges that the return elevations would be visible in oblique views along the street. Brickwork on these elevations would be detailed by channelling into vertical bays of a scale similar to the window bays on the main elevation.

3.87 On the rear elevation, the massing steps down to respect the residential terraces. The hierarchical composition and materiality is repeated with simpler detailing and smaller windows in response to the neighbouring residential properties in Pennard road.

3.88 The majority of plant equipment would be located in the basement. Only essential roof top plant such as a/c units would be housed at roof level in a discrete screened enclosure that would be barely visible in views.

3.89 The building would be L-shaped in plan with the main entrance located centrally on the Shepherds Bush Green elevation. The ground floor would provide restaurant bar and meeting room functions taking advantage of the wide pavement and accessible to the public as well as hotel guests. The upper floors would contain the bedrooms with larger rooms at the upper levels taking advantage of the views across the Green.

#### Public Realm and Landscaping

3.90 The design utilises the wide pavement to the front of the site, enlivening it with seating as an extension to the bar and restaurant, whilst also ensuring that the frontage is as permeable and welcoming to both hotel guests and the general public visiting the facilities provided. All existing trees along the street frontage would be retained.

3.91 At the rear of the new development a replacement 2.5m boundary brick wall would be provided to those properties where greater security and privacy would be required.

This would assist in providing acoustic and visual screening. A landscaped strip against the boundary wall would comprise of low level planting as well as retained and replacement trees which would provide a setting for the rear of the new development as well as a soft screen for the residential properties in Pennard Road.

## Design Review Panel

3.92 The scheme was presented to the Council's Design Review Panel in November 2016 and again in February 2017 following further development of the design. The Panel raised comments on the following topics and encouraged the design team to ensure that they are carefully considered so that the design fulfils its potential:

- To pursue the revised massing strategy which moves the focus and centre of gravity away from the listed Dorsett hotel
- To consider greater depth and more generous modelling to the facade to help it read more strongly and engage in views across the Green
- To pursue the option of taking the brick through the cornice line engaging the middle portion with the top in a calmer more coherent manner
- To explore lightening and celebrating the top of the building

3.93 The Panel welcomed the proposal to bring the hotel and associated uses to the Green, and considered that the proposals would bring the much needed animation to this side of Shepherds Bush green. The applicants have addressed the points raised by the Design review panel in their development of the design.

## HERITAGE ASSETS

### Policy Context

3.94 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.

3.95 It is key to the assessment of this application that the decision making process is based on the understanding of specific duties in relation to the listed buildings and conservation areas required by the relevant legislation, particularly the Section 16, 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the requirements set out in the NPPF.

3.96 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.97 Section 72 of the above Act states in relation to conservation areas that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.



3.98 Paragraph 132 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....

3.99 Paragraph 137 of the NPPF states that: Local Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

3.100 Paragraph 138 then recognises that: not all elements of a conservation area will necessarily contribute to its significance.

3.101 These paragraphs require the local authority to in the first instance make a judgement on the existing building both in terms of its contribution to the significance of the conservation area and then in relation to the setting of the adjoining listed building.

3.102 The existing buildings have been described in paragraphs 1.1-1.2 and 3.31-3.35 of this report. The buildings are of limited architectural quality in stark contrast to architecturally rich buildings that make up most of the group on the west side of the Green. Overall the buildings' contribution to the significance of the conservation area is minimal and in relation to the setting of the adjoining listed Dorset Hotel it can be assessed as neutral at best. In the event of an acceptable replacement being secured the loss of the existing buildings would not cause harm to the heritage assets.

3.103 In order to assess the impact of the proposed replacement building, officers agreed areas for assessment and detailed viewpoint locations with the applicants. The applicant's statement submitted with the application seeks to identify the significance of surrounding heritage assets impacted upon by the proposed development.

3.104 Key views were tested along Wood Lane to the north, from viewpoints on the Shepherds Bush Green, and the more local views along the west side of the Green where its impact on the setting of the adjoining buildings could be assessed. Views from the west are limited, the scheme would be largely hidden from view or only minimal areas of the top of the building would be seen over the roof tops of the foreground buildings.

#### Wood Lane views

3.105 As the development is approached from the north. It would become visible as the termination of the vista along Wood Lane. Due to the angled nature of the street it is the application site alone which is visible in these views. The adjoining Lawn House and Dorset Hotel are largely unseen.

3.106 These mid distance views indicate the importance of the reduced massing at the top of the building together with the detailing on the central bay.

## Shepherds Bush Green views

3.107 These views demonstrate that the building would have a comfortable relationship with group of buildings on the west side of the Green and in particular the neighbouring Dorset Hotel. In summer the buildings are heavily screened by trees on the common but the symmetrical form articulation to the facade and silhouette to the top of the building would all bring a positive contribution to this part of the conservation and the setting of the listed building.

## Shepherds Bush Green local street views

3.108 The views close to the site reveal the importance of the depth and layering to the vertical bays. The clear sense of order and rhythm to the façade is noticeable. As the viewpoint moves closer to the site the open permeable nature of the ground floor and its contribution to the street scene becomes apparent.

## Impact on Heritage Assets:

3.109 The view studies enabled officers to assess the impact of the proposed development. It is considered that the proposed development would not result in any harm to the significance of the surrounding heritage assets and would indeed bring significant enhancement to the character and appearance of the conservation and improvements to the surrounding townscape.

3.110 The submitted scheme has responded to its immediate townscape setting and indicates high quality detailed design of the elevations and the public realm. The proposal is in line with both national guidance in the Planning Policy framework and strategic and local policies on design of new buildings in a heritage context. Officers consider that in design terms the proposal would add a significant new piece of high quality townscape to the borough.

## Design Conclusions

3.111 The scheme accords with urban design and conservation policies of the council. It would enhance the quality of the townscape in this part of the Shepherds Bush conservation area and would not harm the setting of the neighbouring listed Dorset Hotel. Not only would it provide a destination hotel for this part of the borough it would also contain extensive facilities for the local community to engage with including programmable spaces for the use by local creative businesses and community groups for event launches exhibitions classes performances etc.

3.112 The proposed scheme represents an opportunity to regenerate this part of the town centre. In this respect it meets the aims of the Council's Local Plan. Currently, this site presents a poor aspect in the local built environment. Development of this site provides an opportunity for significant enhancement of the area.

3.113 The submitted scheme would connect the site with the surrounding townscape. The proposed built form has a massing which responds to the adjoining built form. The elevations have an architectural character and materiality which responds to the adjoining group of buildings and provides interest across the frontage. The relationship between this building and its neighbours would assist in the creation of a sense of place.

3.114 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.

## ACCESSIBILITY

3.115 London Plan Policy 7.2 'An Inclusive Environment', DMLP Policy DM G1 'Design of New Build' and SPD Design Policies 1, 2 and 3 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally.

3.116 Access to and within the new building has been designed to be wheelchair accessible and is achieved by the following:

- The proposal provides 11 no. (5%) wheelchair accessible rooms, plus an additional 14 large standard rooms (over 5%) that have the facility for future adaptations to be made;
- All entrances from the street would be level and internally there would be no changes in level on any one floor (with the exception of maintenance only access);
- A wheelchair accessible lift is provided to basement level and upper floors, corridor widths are designed to accommodate wheelchair users, and fire lobbies and doors are designed to comply with Building Regulations Approved Document M;
- Back of house facilities have been designed to be accessible and female and male changing areas will include accessible shower and changing facilities.

3.117 The applicant and their design team also met with the Council's Disability Planning Forum Group who confirmed that they were really pleased with the dimensions and layouts of the wheelchair accessible and wheelchair adaptable bedrooms layouts.

3.118 In response to Forum recommendations the proposals were further amended to include further access improvements as follows:

- The basement washroom area has been amended to provide a dedicated accessible WC, with a wider corridor and better designed approach to it;
- The upper floor bedroom layouts have been reviewed and the following additions have been made:
- Storage zones within accessible and adaptable bedrooms have been identified
- Wheelchair parking zones have been identified within accessible rooms
- Wheelchair charging points have been included within accessible rooms
- Interconnecting doors between some of the accessible rooms and the adjacent bedroom have been provided.

- At ground level the baby change functions will now be separate from the accessible WC to address the Forum's key concern that the accessible WC could be rendered unusable by people leaving the baby change unit in the down position.
- Clarification has been provided with regard to hotel guests that may have a need for "blue badge: car parking (see highway matters below for further details).

3.119 Officers are satisfied that the access arrangements of the proposal are in accordance with London Plan Policy 7.2 'An Inclusive Environment', DMLP Policy DM G1 'Design of New Build' and SPD Design Policies 1, 2 and 3.

## CRIME PREVENTION

3.120 Policy 7.3 of The London Plan advises that new development should seek to create safe, secure, and appropriately accessible environments. Core Strategy policy BE1 advises that developments throughout the borough should be designed to enhance community safety and minimise the opportunities for crime. Policy DM A9 of the DMLP refers to a safe and secure environment whilst Policy G1 requires new development to respect the principles of Secure by Design.

3.121 Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment would be secured by a condition (no.14).

## HIGHWAY MATTERS

3.122 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.

3.123 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.

3.124 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. Policy DM J2 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.

3.125 The site is very well served by public transport and has a Public Transport Accessibility level (PTAL) of 6a, 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. Shepherd's Bush Green is classified as a Borough

Distributor Road. There are bus lanes and bus stops immediately outside the site with no parking at any time. To the rear, Pennard Road is a residential street within a CPZ (Zone G, operating between 9am and 10pm Monday-Sunday).

### Trip Generation

3.126 In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of trips that would be generated by the proposed development and compared this with that generated by the existing office land use.

3.127 It is stated that the existing vacant office floorspace comprises 3,615 square metres floor area and has the capacity to accommodate up to 713 person arrivals and departures each day between the hours of 07:00 and 19:00, predominantly by walking and public transport.

3.128 The peak of the previous use would be during the AM (08:00-09:00) and during the PM (17:00-18:00), which would have resulting in approximately 99 and 98 total person movements respectively.

3.129 The proposed hotel accommodation incorporates restaurant and bar use facilities; the proposed hotel operator will be "The Hoxton", which currently operates similar hotels in Shoreditch (Great Eastern Street) and Holborn (High Holborn). Trip rate information for The Hoxton Hotel, Shoreditch is available within the TRICS database, and, as such, it is considered an appropriate site for comparison to the proposed hotel use on Shepherd's Bush Green. Given the town centre location, the small scale of the unit, and the expectation that footfall will largely comprise of "passing trade" the assessment does not take specific account of the 20sqm retail unit/coffee bar.

3.130 The assessment indicates that the proposals are expected to generate a total of 152 and 199 two-way journeys within the AM and PM peak hours and over 900 people movements to and from the hotel each day.

3.131 Whilst the proposed hotel is expected to generate an increase in footfall activity when compared with the existing office floorspace it is not considered to be at a scale which would be problematic. For example an increase of 102 persons travelling during the evening peak hour would be distributed between walking, bus, tube rail and pick-up/drop-off modes. Given the frequency of public transport services the change in travel demand is unlikely to be noticeable and it is not considered that the development is likely to have an unacceptable impact on the highway.

### Car Parking

3.132 The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8) as necessary, it is considered consistent with the aim of The London Plan and the NPPF to achieve sustainable development, that no additional parking is provided.

3.133 No general off-street parking spaces would be provided as part of the proposed development (30 exist in association with the building currently). However, the development would provide one on-site disabled car parking space at ground floor level, which would be secured in the legal agreement.

3.134 The use and management of the delivery area is expected to be subject to monitoring and review under the Delivery and Servicing Plan (to be secured by legal agreement), which is part of a wider Hotel Management Plan which will include the monitoring and review of the arrangements for disabled persons to bring a vehicle to the hotel.

#### Access and Pedestrian Safety

3.135 The existing building has a vehicle entrance approximately midway along its frontage which serves the car park to the rear. However, retaining such an arrangement, with a required headroom for goods vehicles, would have the effect of severing the ground and first floor areas of the hotel in two, making it impractical to accommodate the Hoxton lobby area and ancillary informal meeting spaces, bar/ café areas, etc.

3.136 Relocating the vehicle access at the north end of the frontage is not practical due to the proximity to the traffic signals for the Uxbridge Road/Wood Lane junction and the safety implications of conflicting vehicle turning movements. Therefore the application proposes to create a new vehicle access toward the south end of the site frontage. The primary consideration for locating the access was to maintain a suitable distance along the footway between the proposed access and the existing vehicle access serving the Dorsett Hotel.

3.137 Highway Officers accepted the principle of the servicing and access strategy at pre-application stage subject to a Stage 1 Road Safety Audit being provided as part of the planning application. The Road Safety Audit was commissioned by the applicant prior to the submission of the application, which included the results of peak period pedestrian count surveys along the footway in front of the site as well as a vehicle count to/from the adjacent Dorsett Hotel.

3.138 The Road Safety Audit identified very few matters with the proposals, all capable of resolution as the design develops, and no concerns which would suggest an in-principle objection. The main comment of the audit which needs to be accounted for as the scheme's design evolves is the need to treat the building elevation immediately adjacent to the vehicle access in a manner which allows for intervisibility between pedestrians potentially walking along the back edge of the footway and vehicles emerging from the hotel on to the footway. The Road Safety Audit is included within the Transport Assessment submitted in support of the application.

#### Deliveries, servicing and refuse collection

3.139 SPD Transport Policy 34 seeks off-street servicing for all new developments. Deliveries, servicing and refuse collection are proposed to take place predominantly on-site from a service bay to ease the transfer of delivered or collected goods and reduce the impact on the immediate highway network.

3.140 In addition to two refuse vehicles per day and four 7.5t box vans per day there is expected to be 6 to 8 regular daily light panel vans.

3.141 The service bay takes access from Shepherd's Bush Green. The proposed yard is designed to accommodate all activity for vehicles up to medium sized refuse vehicles,

and all vehicles will be able to enter and exit the service area in forward gear. The significant majority of goods vehicle activity relating to the hotel and catering sectors is undertaken from vehicles of up to 7.5t. The most frequent vehicle attending the site which is larger than 7.5t will be the refuse collection vehicles.

3.142 Deliveries to the service area will be managed by a member of staff. Durations of stay will vary by activity but are not expected to extend beyond 10-minutes.

3.143 There are double yellow lines along the site frontage which prevent vehicles stopping Monday to Saturday between 08:00 and 09:30 and between 16:30 and 20:00. As such no deliveries will be undertaken on-street from Shepherd's Bush Green between these hours.

3.144 Refuse stores would be provided to the rear of the site adjacent to the service yard. Refuse will be transferred to the bins adjacent to the staff exit point into the servicing yard. These bins will be transferred into the larger refuse store and replaced when this is deemed necessary. Both bins stores are located adjacent to where the refuse vehicle will wait on-site and drag distances are in accordance with standards.

3.145 A Delivery and Servicing Plan (DSP) would be secured by legal agreement to mitigate the potential impacts of servicing activity associated with the development.

#### Cycle Parking

3.146 Policy DM J5 and Table 5 of the Development Management Local Plan seek to ensure that satisfactory cycle parking is provided for all developments.

3.147 The applicant's Transport Assessment (TA) states that the cycle parking is proposed to be achieved through delivery of a secure cycle storage facility within the site. In total there will be 16 cycle parking spaces using two-tier Josta style racks. The London Plan standards require hotels to provide 1 space per 20 beds for staff and 1 space per 50 beds for visitors. Hence a minimum of 14 spaces are required. It is proposed that the store would be used by staff and any resident guests at the hotel who have cycled. A member of staff would accompany the guest to the cycle store. All short stay visitor cycle parking will rely on the public realm.

3.148 There are currently three Sheffield stands on-street along the site frontage, which allow for up to 6 bicycles. The TA talks about monitoring of future demand and confirms that the developer is also willing to fund additional short stay cycle parking for visitors on the footway along the site frontage, should it be considered necessary, thus encouraging more visitors to travel to the site using sustainable means.

#### Impact on Public Transport

3.149 Whilst the proposed hotel is expected to generate an increase in footfall activity when compared with the existing office floorspace it is not considered to be at a scale which would be problematic. For example an increase of 102 persons travelling during the evening peak hour would be distributed between walking, bus, tube rail and pick-up/drop-off modes. Given the frequency of public transport services the change in travel demand is unlikely to be noticeable.

## Travel Plan

3.150 A framework Travel Plan has been submitted, alongside the Transport Assessment. As part of any S106 agreement the applicants would be required to produce a more detailed Travel Plan for the different uses which would be subject to ongoing monitoring and review, to encourage users of the development to travel by modes other than the car. It is considered that there is capacity within the existing public transport network to accommodate the trips proposed from this development. Officers welcome the provision of a Travel Plan in support of the proposal for sustainable travel for occupiers of the development.

## Demolition and Construction Logistic Plans

3.151 A Construction Management Plan (including details of demolition and construction logistics) was submitted with the application. At this early stage the information has yet to be fully detailed, and the documents need to be developed. Officers consider this information needs to be provided in compliance with TfL guidelines. A Demolition Logistics Plan (DLP) and Construction Logistics Plan (CLP) would be required to include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the demolition/construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The documents would need to be developed to be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured in conditions nos. 3-6.

## Conclusions on Highway Matters

3.152 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.

3.153 Off site highway improvement works to Shepherds Bush Green are proposed which would be secured via the s.106 agreement (and S278 notices). These proposals include upgrade the existing footways.

## IMPACT ON RESIDENTIAL AMENITY

3.154 Policies DM G1, and DM A9 of the Development Management Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy. Policy 7.6 of The London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind, and microclimate.

## Daylight/sunlight/overshadowing



3.155 The site's only immediate residential neighbours are to the rear on Pennard Road. Whilst other residential properties in the vicinity of the site would be able to see the proposed development, the residents to the rear are the main residents who have the potential to be directly affected in terms of amenity implications (i.e. light, outlook, privacy, and noise/disturbance) due to the proximity of the development to these neighbours.

#### Daylight/sunlight/overshadowing

3.156 The applicants have submitted a daylight and sunlight assessment, in line with the guidance provided in the Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' (2011).

3.157 The impact of the proposed development on the nearest residential properties has been considered. The properties considered in the assessment are 36-52 (even), 53-77 (consecutive) Pennard Road, Bush Green House and Library Mansions.

3.158 The BRE guide recommends that windows and rooms within residential properties need to be assessed.

#### Daylight (assessment methodology)

3.159 For all properties assessed, window maps have been produced, and an analysis of the daylight (vertical sky component (VSC) and no sky line (NSL)) that would reach an affected window and sunlight (annual probable sunlight hours - APSH), has been carried out. Figures showing the existing situation compared with the effect of the proposed development have been presented.

3.160 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. The BRE guide advises that a good level of daylight is considered to be 27% VSC. Daylight will be noticeably reduced if, after a development, the VSC is both less than 27% and less than 80% of its former value.

3.161 The plotting of the NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface.

3.162 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. If a significant area of the working plane lies beyond the NSL (i.e., it receives no direct sky light), then the distribution of daylight in the room will be poor and supplementary lighting may be required.

3.163 For dwellings, the NSL would be measured for living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although they are considered less

significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

3.164 When reviewing the daylight results for each property, the methods would normally be considered sequentially; VSC and NSL. In the first instance, therefore, the VSC results should be considered.

3.165 If all the windows in a building meet the VSC criteria, it can be concluded that there will be adequate daylight. If the windows in a building do not meet the VSC criteria, the NSL analysis for the room served by that window needs to be considered. If neither the VSC nor NSL criteria are met, then average daylight factor (ADF) results should be considered.

3.166 The applicants have submitted VSC and NSL assessments for all of the properties mentioned above.

3.167 Against the primary daylighting methodology, Vertical Sky Component (VSC) 24 of the 36 properties will experience full BRE compliance by reference to the primary daylight methodology (Vertical Sky Component) i.e. all windows within these properties would maintain at least 80% of their former VSC value, and therefore any reduction in daylight would not be perceptible. These properties are 36-52 (even), 53, 57-73 (odd) and 74-77 (consecutive) Pennard Road and Library Mansions.

3.168 12 of the 36 properties assessed will experience BRE transgressions to their windows or rooms. Such transgressions are not uncommon in more urban environments and if development is to meet the scale and proportion of neighbouring buildings some measurements beyond the guide figures are very difficult to avoid. In an appeal hearing decision (GLA), it was noted that the 27% VSC figure when measured on an absolute scale is derived from a low density suburban housing model, and may not be appropriate for an inner city urban environment.

3.169 The 12 properties that will experience BRE transgressions include 54, 55, 56, 58, 60, 62, 64, 66, 68, 70 and 72 Pennard Road, as well as Bush Green House. A commentary of each of these 12 properties is provided below.

3.170 For 54 Pennard Road, 8 windows serving 6 rooms have been analysed, of which 6 windows comply with the VSC guidelines. The two windows that fall short show losses above VSC guidelines (22.9%-23.4% loss). The room affected is served by a further window that does pass VSC. In addition the NSL assessment demonstrated that the room achieves full BRE compliance.

3.171 For 56 Pennard Road, 16 windows have been analysed, of which 11 windows comply with the VSC guidelines. The remaining 5 windows experience losses between 21.1% and 29.5%, which given the urban context of the site is considered to be wholly within the flexibility intended within the BRE guidelines.

3.172 For 58 Pennard Road, 8 windows have been analysed, of which 3 windows comply with the VSC guidelines. The remaining 5 windows experience losses above the guidelines, none of which will be greater than 26.7%, which is considered to be wholly within the flexibility intended within the BRE guidelines. 2 of the windows experiencing losses already have very low levels of daylight and therefore any additional massing has the potential to create a disproportionate percentage change. The actual alteration

in VSC is between 1.8%-1.9% for each window, which is considered small in absolute terms.

3.173 GIA has also reviewed the retained VSC levels. In this instance the remaining three windows all maintain VSC levels in excess of 16.2% (W2/First, W3/Ground, W4/Ground) which they consider commensurate given the urban context of the site.

3.174 For 60 Pennard Road, 11 windows have been analysed, of which 6 windows comply with the VSC guidance. 2 of the 5 remaining windows have very low existing levels of daylight. Following the implementation of the proposal these windows will experience changes of 1.5%-1.6% VSC. The actual change in the levels of daylight is therefore considered marginal.

3.175 The three final windows (W1/Ground, W2/Ground & W1/First) experience reductions in VSC of between 22.8%-27.9% from the existing value, which given the urban context of the site is considered to be wholly within the flexibility intended within the BRE guidelines. In the case of W1/Ground and W2/Ground, the proximity to the development proposal has the potential to create disproportionate percentage alterations to the daylighting experienced in these rooms. Furthermore, W1/First is set back and is adjacent to a flank elevation that forms an extension to 58 Pennard Road and this architectural structure limits the amount of light that is able to access this window. Therefore it is understandable that any additional massing on the development site will lead to some form of BRE alterations. In addition, the three apertures all experience retained levels between 15.8% - 18.6% VSC which given the surrounding context is considered to be acceptable.

3.176 For 62 Pennard Road, 11 windows have been analysed, of which 7 windows comply with the VSC guidelines. Three of the four remaining windows demonstrate a retained VSC equal to or in excess of 15.7% post implementation of the proposed scheme which we would consider acceptable. The final window (W1/Ground) has a low existing VSC of 7.1% in the existing scenario, and will only experience a small VSC alteration of 1.6%, which is considered small in absolute terms.

3.177 For 64 Pennard Road, 10 windows have been analysed, of which 5 windows comply with the VSC guidelines. Three of the five remaining windows demonstrate a retained VSC equal to or in excess of 15.6% post implementation of the proposed scheme. The two remaining windows (W3/Ground and W1/Ground) are located on the ground floor extension of 64 Pennard Road. W3/Ground has a VSC of 6.6% in the existing scenario, therefore the marginal loss of 1.6% leads to a disproportionate percentage change to this window of 24.2%. Given the context of the site, the curve of Pennard Road and the proximity of this window to the site the overall impact is small. W1/Ground serves one room (R1/Ground) which we have also considered in terms of the third daylight methodology, the average daylight factor (ADF). There is a marginal change in ADF of 0.2% post implementation of the scheme.

3.178 For 66 Pennard Road, 11 windows have been analysed, of which 8 windows comply with the VSC guidelines. The three remaining windows fall short of guidance by between 21.1% - 28% which given the urban context of the site is considered to be wholly within the flexibility intended within the BRE guidelines. All three windows also demonstrate a retained VSC in excess of 15.2% post implementation of the proposed scheme.

3.179 For 68 Pennard Road, 9 windows have been analysed, of which 6 windows comply with the VSC guidelines. The three remaining windows fall short of guidance by between 21.1% - 28% which given the urban context is considered to be wholly within the flexibility intended within the BRE guidelines.

3.180 For 70 Pennard Road, 8 windows have been analysed, of which 6 windows comply with the VSC guidelines. W1/Ground, already has poor levels of daylight in the existing scenario and therefore the minor loss of 1.7% has led to a 25.8% alteration. Whilst technically this exceeds the stated BRE Guidelines, the actual change in light levels is de-minimus and within the flexible intentions of the BRE. W2/Ground has a 23.2% alteration between the existing and proposed scenario, which is only just beyond the target of 20%.

3.181 For 72 Pennard Road, 10 windows have been analysed, of which 9 windows comply with the VSC guidelines. The remaining window (W1/Ground) only falls marginally, below the 20% target value with an alteration of 20.9% between the existing and proposed scenario. Further to this, the room served by this window shows full BRE compliance to the No Skyline methodology.

3.182 Bush Green House is located to the north of the site and is a mixed-use development. 12 of the 15 windows assessed show full compliance with the VSC guidelines. Of the remaining three windows, all experience very minor alterations in VSC of between 0.5% - 0.7% and the applicant's daylight and sunlight consultants do not consider such alterations to be perceivable to the occupants using this space. The three windows are also located below balconies and in tight corners of the property. These architectural features cause a restriction in the amount of daylight received to the windows in Bush Green House, coupled with the proximity to the development proposal has the potential to create disproportionate percentage alterations to the daylighting experienced in these rooms. When all the windows within Bush Green House are compared against the second daylight methodology (NSL) the three windows serve three rooms that all show full compliance to the BRE guidelines for NSL.

#### Conclusion on daylight matters

3.183 Officers accept that BRE guidance needs to be applied flexibly and sensibly in relation to an existing urban environment. By nature, the design of the properties along Pennard Road are subject to a number of existing site constraints, in the form of rear returns, recent extensions and flanking walls. These components restrict the amount of daylight which can reach the rooms in the existing scenario. Where transgressions do occur, most of the windows will experience a 20% - 30% VSC change, which given the urban context of the site would be considered small alterations and to be wholly within the flexible intentions of the BRE Guidelines. In the majority of instances, those windows that do experience a 20%-30% VSC change will continue to have a retained VSC in excess of 15%.

3.184 Officers also note that many of the properties along Pennard Road, located to the rear of the Dorset Hotel and The Walkabout building will experience lower levels of retained daylight than those properties to the rear of the site, post implementation of the scheme. Of those isolated windows that experience in excess of 30% change in VSC and do not have a retained VSC of 15%, the vast majority of these rooms experience an ADF alteration of 0.1% with isolated instances of 0.2%.

3.185 In many cases, where numerical transgressions of the guidance have been identified, the percentage losses are disproportionate because of the low existing daylight levels at the affected windows, and the actual daylight loss may not be perceptible to the occupier. On balance therefore, officers consider that the relatively limited losses outlined would not outweigh the benefit to the area of the proposed development and consider that, on balance, the scheme is acceptable in terms of its impact on daylight to adjacent premises.

## Sunlight

3.186 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main windows to dwellings should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun.

3.187 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

3.188 Where a window does not meet the first criteria, retaining at least 25% total APSH with 5% in the winter months, but the percentage reduction is less than 20% it will experience a negligible impact, as the area receiving reduced levels of sunlight is comparatively small when considering the baseline sunlight levels.

3.189 All rooms relevant for APSH assessment show compliance with the BRE guidelines apart from:

- 2 ground floor level rooms at 62 Pennard Road, which do not meet the target value for annual APSH and winter APSH in the existing scenario. Therefore any increase in massing on site is likely to cause a disproportionate percentage change and transgressions from guidance.

- 2 first floor level rooms at 66 Pennard Road (these rooms would have a relatively minor transgression of the APSH guidelines, losing 22% and 23% of annual APSH respectively, but experiencing no winter loss).

- 2 rooms at 68 Pennard Road at ground and first floor level. The ground floor room has retained winter APSH in excess of the 5% target, it is only in the annual APSH where a transgression occurs. However, the annual APSH of this room following the proposal is only marginally short of the 25% target at 22%. The first floor room will experience no change in winter APSH. It is only in the annual APSH that transgressions occur. The total annual APSH to this room post implementation of the proposed scheme is 15%. However, it should be noted that this room has a window that serves it that is located close to the flank elevation of No. 66 Pennard Road. This wall self-limits the amount of available sunlight received in the existing scenario. The flank wall also means that any available sunlight will be received over the top of the development site. Given the close

proximity of the site coupled with the flank elevation it's likely that BRE transgressions may occur with any redevelopments on site.

- 3 rooms at 70 Pennard Road (two at first, one at ground). Two rooms fail due to a reduction of between 27.27% - 30.43% which given the surrounding architecture and proximity to the site this is regarded as in keeping with the BRE guidelines. The final room at ground floor level does not receive good levels of sunlight in the existing scenario and therefore a reduction in sunlight results in a disproportional percentage change.

3.190 In conclusion, the sunlight criterion also demonstrates a very good rate of compliance for such a dense urban site. The majority of the apertures relevant for assessment show relative conformity with the BRE Guidelines. Where transgressions from guidance are noted, these are considered to be relatively minor in nature and there are clear mitigating reasons for them. On balance, officers consider that the relatively limited loss outlined would not outweigh the benefit to the area of the proposed development and consider that, on balance, the scheme is acceptable in terms of its impact on sunlight to adjacent premises.

#### Overshadowing

3.191 16 private gardens located to the west of the site have been assessed for Sun Hours on Ground in the existing v proposed scenario. The overshadowing assessment illustrates that that all 16 assessed areas will receive two or more hours of direct sunlight on 50% or more of their area on 21st March. All areas will therefore appear adequately sunlit throughout the year with the proposed development in place in compliance with BRE guidelines.

#### Outlook

3.192 SPD Housing Policy 8 states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook: '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. 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.' Where original rear gardens are less than 9 metres depth a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.

3.193 The properties which directly back onto the application site (nos. 48-72 Pennard Road) would be deemed to be most affected, as although the development would be visible from other properties, the impact on sense of enclosure decreases with greater distance.

3.194 The prevailing existing condition along the rear of the properties to Pennard Road is one of large meeting small, as the large volume civic architecture of the city fringe along The Green meets the suburban edge of the residential part of Shepherd's

Bush. The proposed development is in keeping with this prevailing condition in the area.

3.195 The stand of existing and proposed trees will also preclude any view beyond the rear line of the gardens. Consequently, the application of the 45% degree sense of enclosure test becomes somewhat redundant, as in reality the new hotel building will not be visible at all from this position. As a result the applicants have submitted an image of a sight line from closer to the rear of the house, which is considered a more likely viewpoint. The image demonstrates that the sky view to the east will be limited by the tops of the trees - as is currently the case - meaning that the hotel will be obscured as the tree canopies grow and merge.

3.196 The impacts resulting from the proposed Hoxton Hotel are, in absolute terms, measurably less than those in relation to the Dorsett, the Walkabout or the Empire and are small in relation to precedent studies of residential properties enjoying such close proximity to all of the town centre facilities.

3.197 On balance, then, it is considered that the proposed building would not result in a significant loss of outlook to neighbouring properties, and as such it is considered that it complies with Policies DM G1, DM A9 and SPD Housing Policy 8.

#### Privacy

3.198 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.

3.199 The Design and Access Statement submitted in support of the application includes diagrams to demonstrate that the development is fully compliant with SPD Policy 8 (ii). Consequently, Officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties.

#### Noise and disturbance

3.200 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening, or internal layout and promoting new technologies and improved practices to prevent noise. CC4 of the Core Strategy advises that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough. Policy DM G1 sets out that new development should respect the principles of good neighbourliness. Development Management Local Plan Policies H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. Policy DM H10 relates to light pollution. SPD Amenity Policy 25 states that outdoor uses will need to be assessed in regard to the frequency and times of use, and the noise level likely to be emitted from activities. SPD Amenity Policy 18 refers to noise and vibration and requires a survey and report for residential developments proposed near existing noise sources and for developments that have the potential to increase existing noise or vibration levels. SPD Amenity policy 24 also sets out that need to protect residential and other noise sensitive amenity.

3.201 The site is located in the town centre, close to busy main roads and existing commercial activity (including late night activity associated with the Shepherd's Bush Empire), and is therefore in an area with a high level of background noise.

3.202 It is acknowledged that the proposed building and land uses could have its own noise/disturbance impacts, particularly with regard to operational noise breakout, deliveries and collection and the potential for noise from new plant and equipment.

3.203 A preliminary Acoustic Assessment has been submitted with the application. This has undertaken an assessment of the existing background noise, in order to understand both the requirements for limiting noise in relation to neighbouring properties and the requirement for the treatment of the building envelope to preserve good noise conditions within the proposed development.

#### Operational Noise Breakout

3.204 Hoxton Hotel's Operator requirements for indoor noise level are more stringent than the requirements of the Local Planning Authority.

3.205 Daytime noise levels have been assessed against the BS 8233 guidance for noise levels within external amenity areas and all assessments show that ambient noise levels will remain within the BS 8233 guideline limits.

3.206 At night-time the limit should ensure noise does not give rise to sleep disturbance for neighbouring residents. In order to achieve this the following measures will be adopted:

- Music noise levels will be controlled to 85 dB(A) internally through the installation of a hardwired electronic noise limiter device (ENLD) that can monitor music levels and cut off power to the sound system above a predefined noise level threshold;

- Guests will be prevented from accessing the rear external areas of the hotel after 21:00 and hotel employees will access these areas using doors that do not open out from areas playing music.

3.207 These matters could also be controlled by planning condition which could ensure, amongst other things, that windows are kept shut, tables are not placed outside and music is not audible from outside the premises. A condition (no.23) is recommended to limit the hours of use for the ancillary bar and restaurant areas. It is therefore considered that with suitable conditions, the development could be adequately controlled to ensure that there is no harmful impact on local amenity in terms of noise and disturbance.

#### Noise from deliveries and collections

3.208 Servicing and deliveries would take place within an off-street service area to the rear of the hotel. The assessment of noise from deliveries and collections shows that overall there will be no material increase in noise level at the residential dwellings of Pennard Road (the closest noise sensitive receptor). A Delivery and Service Management Plan, to be secured in the legal agreement, would also ensure that the times for servicing and deliveries are restricted to reasonable daytime hours.



## Plant

3.209 Noise from new mechanical plant will be designed to be capable of achieving compliance with the Council's noise standards (i.e. ensuring that the noise is at least 10dB below background noise). Officers concur that noise and vibration from mechanical plant could be adequately controlled by planning condition (see conditions 17-20).

## Demolition and Construction

3.210 The disruption of demolition and construction works and the noise and disturbance to nearby residents and businesses is acknowledged to be a key local concern. Whilst it would be unreasonable to refuse planning permission for a development scheme based on the temporary impact of demolition/construction works, it would be sensible to ensure that disruption and noise/disturbance are minimised as far as possible in the redevelopment. Demolition and construction management plans, and an Air Quality Dust Management Plan would be required to be submitted and agreed by planning conditions, and these documents would be required to take into account the impacts and logistics any existing nearby construction sites.

3.211 For the reasons given above, it is considered that the development, subject to suitably worded conditions, would not give rise to unacceptable harm from noise and disturbance to neighbouring occupiers and that the proposal therefore complies in these respects with the relevant sections of policies DM G1, DM H9, DM H10 and DM H11 of the Development Management Local Plan, London Plan 7.15, Core Strategy Policy CC4, and SPD Amenity policies 18, 24 and 25.

## Light pollution

3.212 The number of window openings proposed in the rear elevation of the building where it directly faces neighbouring properties is minimal/limited. The applicant has also submitted a Lighting Design strategy as part of the application, including an obtrusive lighting analysis. The Lighting Design strategy confirms that illumination to the front facade will be sensitively considered and will focus on key architectural elements, rather than illumination as a singular object. This will ensure its night time visibility is within keeping with its surroundings, rather than trying to dominate.

3.213 The lighting to the rear of the building will generally take the form of wall mounted luminaires arranged at ground floor level. The final style of these fittings is yet to be defined, however these will be generally low output units, lighting the immediate surrounding area with a controlled lighting distribution to ensure there is no spill light or light trespass onto neighbouring properties. Lighting to the service area will be by discrete wall mounted bulkheads, with controlled light distribution. Above ground floor level no external lighting is proposed and windows would be stepped back from the neighbouring properties in Pennard Road, further reducing their impact. Consequently it is not considered that properties would be adversely affected by light spillage from this element. As such no objections are raised in this regard.

## Odour

3.214 The scheme proposes a restaurant at ground and basement levels of the development, which necessitate the use of commercial grade kitchen ventilation systems. Accordingly, an Odour Assessment has been provided as part of the application, which proposes a number of mitigation measures including ultraviolet (UV) filtration to remove grease from the extracted airstreams prior to the main ductwork to roof level, at which point it will connect to packaged extract air handling units. Subject to an appropriate condition (48) requiring further details relating to the installation, operation and maintenance of the odour abatement equipment, the development would meet the Council's requirements.

## ENVIRONMENTAL MATTERS

### Carbon reduction

3.215 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.

3.216 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 533.6 tonnes of CO<sub>2</sub> a year (from regulated energy use). Passive design and energy efficiency measures are calculated to reduce energy use sufficiently to cut CO<sub>2</sub> emissions by 11.4 tonnes a year. Greater CO<sub>2</sub> savings would be provided by utilising a gas fired CHP engine and incorporating a very high efficiency VRF heating and cooling system. This would reduce CO<sub>2</sub> emissions by a further 197.9 tonnes a year.

3.217 Overall, the energy strategy is calculated to reduce annual CO<sub>2</sub> emissions by 209.3 tonnes - equivalent to 39.2% compared to The London Plan CO<sub>2</sub> reduction target of 35%. No objection is therefore raised under the above mentioned policies. These details would be secured by condition 42.

### Sustainable Design & Construction

3.218 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.

3.219 A BREEAM Pre-assessment was carried out and submitted which showed that the development would achieve a 'Very Good' rating. A condition (no.35) is

recommended requiring the submission of a revised BREEAM assessment to show how the scheme will meet the 'Very Good' rating.

3.220 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.

#### Flood Risk/SUDS

3.221 The site is in the Environment Agency's Flood Zone 1 which indicates a low risk to flooding from the Thames. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted which refer to potential SUDS measures that could help mitigate surface water run-off from the site. In consultation with the Council's Environmental Policy Team during the course of the application, revisions have been made to the drainage strategy to improve surface water management.

3.222 The proposed measures would be through managing surface water run off through the implementation of the following measures:

- Permeable paving, within the hardstanding areas to the rear of the building;
- 146 sq m of green roofs provided at roof and rear first floor roof levels;
- A rainwater harvesting system serving the non-potable requirements of the basement and ground floor public and back of house areas;
- Permeable landscaping and new trees; and,
- Below ground cellular storage systems.

3.223 As a result of these measures the proposed run-off rates for the development have increased from 50% to over a 70% reduction to existing site runoff. While a greenfield run-off rate has not been achieved Officers are satisfied that SUDs measures have been maximised as far as practicable. The exact nature of the proposals are subject to further detailed design work, and as such conditions are proposed (15 and 16) for the submission of further details of the SUDS measures, including maintenance information for our approval prior to commencement of the development.

#### Contamination

3.224 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. SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15 relate to contamination. Policy 16 sets out the common submission requirements for planning conditions relating to contamination and policy 17 deals with sustainable remediation.

3.225 A Preliminary Geo-Environmental Risk Assessment has been submitted as part of this application. Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. A more detailed site investigation scheme together with a risk assessment, remediation and long term monitoring would all need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment Conditions to this effect (8 to13) have been attached, in accordance with Borough Wide Strategic

Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

#### Air Quality

3.226 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.227 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.

3.228 An air quality assessment has been carried out. This assesses the development's potential impacts on local air quality and also 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. The air quality assessment indicates that the general sources of air pollution (construction activities, road traffic and space heating) emission arising from the proposed development would be during the construction phases and on completion of the development the assessment predicts the development to have negligible effect on air quality.

3.229 In terms of exposure of new occupiers to poor air quality, the applicants report concludes that there is a risk of exceedances of the 1-hour NO<sub>2</sub> objective at the front façade on the ground and first floor. Mitigation, in the form of mechanical ventilation, is recommended.

3.230 Accordingly, officers consider that subject to appropriate conditions (26-30), the development would meet policy requirements.

#### Planning obligations

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

## Community Infrastructure Levy

3.232 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London-wide Mayoral CIL the development, according to the figures provided in the applicant's mayor CIL form, is estimated to be liable for £169,600 (plus indexation) payment. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.233 The borough's own community infrastructure levy came into effect on 1st September 2015. The proposed charge for this part of the borough would be £80 per sqm for other uses including class A1 uses, but a nil charge for hotel (Class C1) use. This would entail a contribution of approximately £1,600 + Indexation for local CIL.

3.234 Site-specific contributions would be included in the S106 agreement and would include the following:

- Development to be 'Coach free'
- Provision of a Travel Plan, plus review with monitoring fees to be met by the applicant. Monitoring cost at £3000 per review and review will be carried out in year 1, 3 and 5.
- Provision of a Servicing and Deliveries Management Plan (including refuse collection).
- A S278 agreement towards highways works including improving surface treatments in the vicinity of the site.
- Provision of an apprenticeship/training scheme in construction and hospitality, including a contribution of £76,450.
- Fund liaison with Local Contractor Monitoring Group associated with monitoring of the demolition and construction process at a cost of £2000 per year for the duration of the construction/demolition activities.
- Management Plan for the disabled parking space, and
- Commitment to meet the costs of the Council's Legal fees.

3.235 Overall, the proposed development is considered to be acceptable subject to conditions and s106 obligations.

## 4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed hotel development is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7, Core Strategy Policies C and B, DMLP (2013) policy DM B2, DM C1 and DM C6.

4.2 The scheme accords with urban design and conservation policies of the council. It would enhance the quality of the townscape in this part of the Shepherds Bush conservation area and would not harm the setting of the neighbouring listed Dorset Hotel. Not only would it provide a destination hotel for this part of the borough it would also contain extensive facilities for the local community to engage with including programmable spaces for the use by local creative businesses and community groups for event launches exhibitions classes performances etc.

4.3 The proposed scheme represents an opportunity to regenerate this part of the town centre. In this respect it meets the aims of the Council's Local Plan. Currently, this site presents a poor aspect in the local built environment. Development of this site provides an opportunity for significant enhancement of the area.

4.4 The submitted scheme would connect the site with the surrounding townscape. The proposed built form has a massing which responds to the adjoining built form. The elevations have an architectural character and materiality which responds to the adjoining group of buildings and provides interest across the frontage. The relationship between this building and its neighbours would assist in the creation of a sense of place.

4.5 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. Policies DM G1, DM G7 of the Development Management Local Plan 2013, Policy BE1 of the Core Strategy 2011 and Policies 7.4 and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.

4.6 There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No general car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies DM J1, DM J5 and DM J6 of the Development Management Local Plan (2013).

4.7 The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures as well as a Combined Heat and Power (CHP) system. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policy CC1 of the Core Strategy 2011 and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

4.8 On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policy DM H9 and DM H11 of the Development Management Local Plan 2013.

4.9 The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and DMLP Policy DM G1. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and the Council's Adopted Supplementary Planning Document (SDP) 'Access for All'.

4.10 Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan 2016, Policy CC4 of the Core Strategy and Policy DM H7 of the Development Management Local Plan 2013.

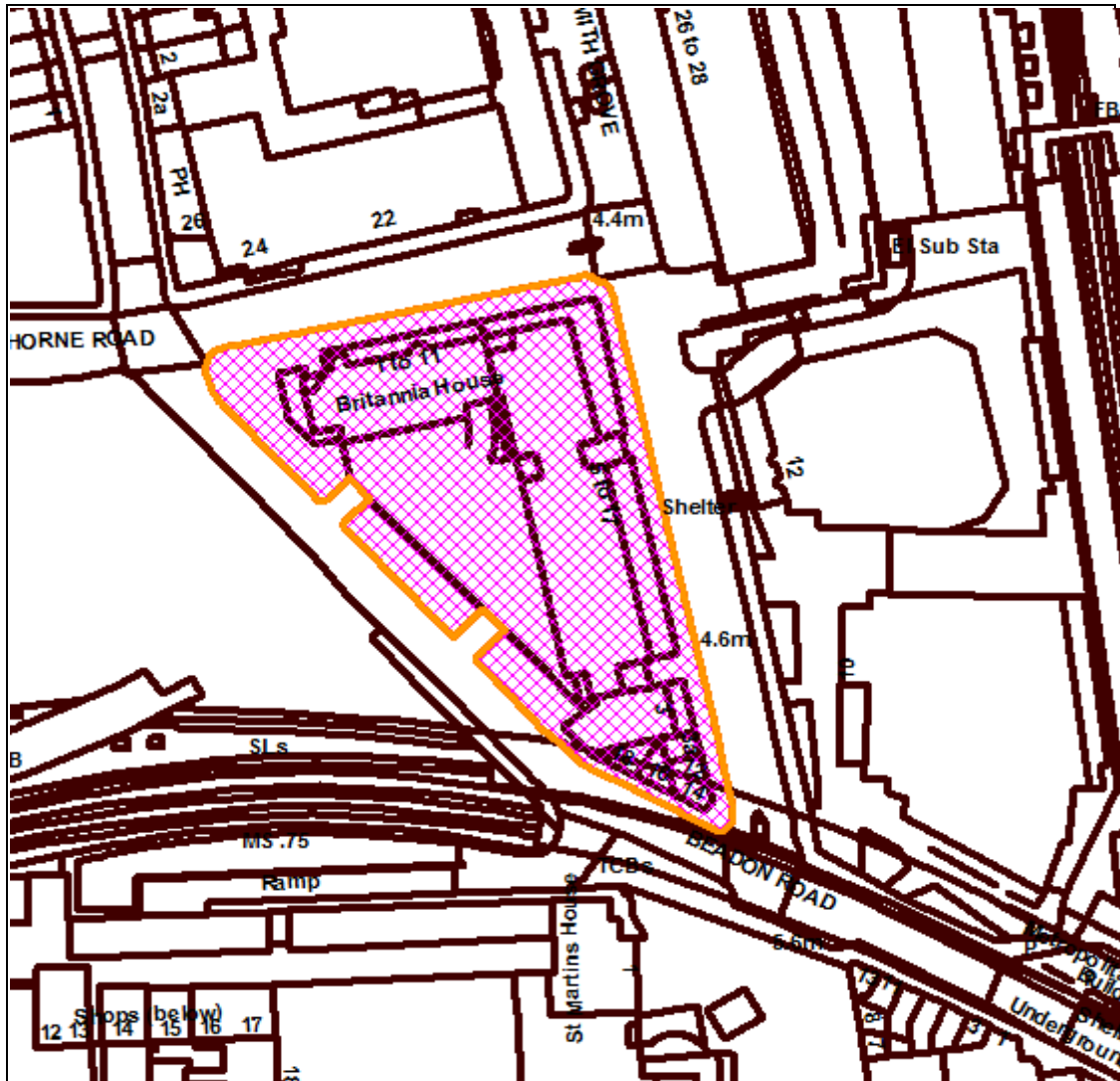
4.11 It is therefore recommended that planning permission be granted, subject to conditions and a satisfactory legal agreement being entered into.

4.12 In view of the fact the Section 106 agreement will be the subject of negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Regeneration, Planning and Housing Services in consultation with the Chair of the Planning Applications Committee, to authorise the changes he/she considers necessary and appropriate, within the scope of such delegated authority.

**Ward:** Hammersmith Broadway

**Site Address:**

The Triangle (5-17 Hammersmith Grove) And Britannia House (1-11 Glenthorne Road), 3 And 3A Hammersmith Grove And 12-18 Beadon Road, Hammersmith, London W6 0LH



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

**Reg. No:**  
2017/02717/FUL

**Case Officer:**  
Matthew Lawton

**Date Valid:**  
17.07.2017

**Conservation Area:**

**Committee Date:**  
10.10.2017



**Applicant:**

Romulus Construction Limited  
C/o Agent

**Description:**

Demolition of all existing buildings on the site and redevelopment to provide a building of between 8 and 14 storeys in height plus two basement levels, comprising of 466 sqm GEA retail/commercial space (Class A1, A2 or A3) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road including 1 accessible parking space; Class B1 office space from first to thirteenth floors (23,878 sqm GEA); plant enclosure at roof level; 15 car parking spaces, gym, plant, cycle storage and ancillary retail/office space in the two basement levels.

Drg Nos: 699\_02\_07\_098 Rev.P4, 099 Rev.P4, 100 Rev.P5; 699\_07\_101 Rev.P3, 102 Rev.P3, 103 Rev.P3, 104 Rev.P3, 105 Rev.P3; 699\_02\_07\_106 Rev.P3, 107 Rev.P3, 108 Rev.P3, 109 Rev.P5, 120 Rev.P1; 699\_07\_210 Rev.P3; 699\_02\_07\_211 Rev.P3, 212 Rev.P3; 699\_07\_213 Rev.P3, 300 Rev.P3, 301 Rev.P3; 699\_02\_07\_501 Rev.P2, 503 Rev.P2.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

1: Subject to there being no contrary direction from the Mayor for London; 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.

2: To authorise the Head of Development Management after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make minor changes to the proposed conditions or heads of terms, any such changes shall be within their discretion.

- 1) The development hereby permitted shall not commence later than the expiration of 4 years beginning with the date of this planning permission.

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

- 2) The building development shall not be erected otherwise than in accordance with the following approved plans:

699\_02\_07\_098 Rev.P4, 099 Rev.P4, 100 Rev.P5; 699\_07\_101 Rev.P3, 102 Rev.P3, 103 Rev.P3, 104 Rev.P3, 105 Rev.P3; 699\_02\_07\_106 Rev.P3, 107 Rev.P3, 108 Rev.P3, 109 Rev.P5, 120 Rev.P1; 699\_07\_210 Rev.P3; 699\_02\_07\_211 Rev.P3, 212 Rev.P3; 699\_07\_213 Rev.P3, 300 Rev.P3, 301 Rev.P3; 699\_02\_07\_501 Rev.P2, 503 Rev.P2

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

- 3) Prior to any demolition works hereby permitted taking place the following shall be submitted to, and approved in writing by, the Council:
  - a) Demolition Logistics Plan (DLP) with details including the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the demolition period.
  - b) Demolition Management Plan (DMP) with details including all dust and emissions monitoring and control measures, any external illumination of the site during demolition, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure (including detailed plan, section and elevation drawings at a scale of not less than 1:20 and details of material and colour), noise monitoring and control measures for noise, vibration, 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.

The details, as approved, shall be implemented throughout the demolition period.

To ensure that demolition works do not adversely impact on the operation of the public highway, 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 London Plan 2015 Policy 6.3, and Policies DM H9, H10, H11 DM J1 and DM J6 of the Development Management Local Plan 2013.

- 4) Prior to any construction works hereby permitted taking place the following shall be submitted to, and approved in writing by, the Council:
  - a) Construction Logistics Plan (CLP) with details including the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The CLP shall identify efficiency and sustainability measures to be undertaken while the development is being built.
  - b) Construction Management Plan (CMP) with details including, all dust and emissions monitoring and control measures, any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, timber site hoarding/enclosure (including detailed plan, section and elevation drawings at a scale of not less than 1:20 and

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

The details, as approved, shall be implemented throughout the construction 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, DM J6, DM H9 and DM H11 of the Development Management Local Plan 2013.

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

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

- 6) Save for works below ground level, no development shall commence until particulars and samples of materials to be used in all external faces of the building, including glass samples, have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with such details as have been approved.

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

- 7) Save for works below ground level, no development shall commence until details and samples of the proposed fenestration, including opening style, have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with such details as have been approved.

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

- 8) Save for works below ground level, no development shall commence until drawings of a scale not less than 1:20 in plan, section and elevation of typical bays of the building on each elevation have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.

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

- 9) Save for works below ground level, no development shall commence until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant and plant screening have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.

In order to ensure a satisfactory external appearance, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 10) Save for works below ground level, no development shall commence until details are submitted to, and approved in writing by, the Council of the positioning, number and angle to the surface of the roof of the proposed PV panels to be provided. The development shall be carried out in accordance with the details as approved and shall not be occupied until such agreed details have been carried out.

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

- 11) Prior to the commencement of above ground works (other than works of site preparation, excavation and demolition of existing buildings), a statement setting out detailed measures of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Council. Such details shall include, but not be limited to, CCTV coverage, access controls, basement security measures, the approved details shall be carried out prior to occupation of the development hereby approved and permanently retained thereafter.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with policies 7.3 and 7.13 of the London Plan (2016), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (July 2013).

- 12) The development hereby approved shall not be occupied before a Refuse Management Plan, including full details of refuse storage (including provision for the storage of recyclable materials) have been submitted to, and approved in writing by, the Council. The approved details shall be implemented prior to the occupation of the development and shall thereafter be permanently retained. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site except on collection days.

To ensure the satisfactory provision of refuse and recycling storage, to ensure the use does not give rise to smell nuisance and to prevent harm arising from the

appearance of accumulated rubbish, in accordance with policy 5.3 of the London Plan (2016) and policy DM H5 of the Development Management Local Plan 2013.

- 13) 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 all external mechanical plant and building services equipment, and from any ventilation exhaust or intake, and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery and building services 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 DM H11 of the Development Management Local Plan 2013.

- 14) No deliveries nor collections shall occur at the development hereby approved other than between the hours of 07:00 to 23:00 hours on Monday to Friday, 08:00 to 23:00 on Saturdays and between 10:00 and 17:00 hours on Sundays and Public/Bank Holidays.

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

- 15) Prior to commencement of the use, details shall be submitted to, and approved in writing by, the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system serving any commercial premises, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. The details as approved shall be implemented prior to the commencement of the use and thereafter be permanently retained.

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

- 16) Prior to the display of any illuminated sign or advertisement, details shall be submitted to and approved in writing by the Council, of artificial lighting levels (candelas/ m<sup>2</sup> size of sign/advertisement). Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' will be met, particularly with regard to the 'PLG05,2015-The Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DM H10 and DM H11 of the Development Management Local Plan 2013.

- 17) Save for works below ground level, no development shall commence until details of external artificial lighting have been submitted to, and approved in writing by, the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details 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 DM H11 of the Development Management Local Plan 2013.

- 18) With the exception of the terrace areas indicated on the approved drawings, no part of any other roof of the approved buildings shall be used as a terrace or other amenity space. The upper floor terrace areas shall not be used after 2300 and before 0800 the following day Mondays to Fridays and shall not be used after 2300 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays. No live or amplified music shall be played or performed on the external terrace areas hereby approved.

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

- 19) The development hereby permitted shall not commence (excluding works of site clearance and demolition of existing buildings) until a Sustainable Drainage Strategy (SuDS), which details how surface water will be managed on-site in line with the proposals outlined in the submitted reports 'Drainage Strategy' and 'Drainage Strategy Addendum', has been submitted to, and approved in writing by, the Local Planning Authority. Information shall include details on the design and location of all sustainable drainage measures, including rainwater harvesting system, along with confirmation of the levels of attenuation achieved and a proposed maintenance strategy. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided. The Strategy shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details permanently thereafter.

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

- 20) Notwithstanding the information provided in the submitted Flood Risk Assessment, further details shall be submitted to, and approved in writing by, the Council of access to an area of refuge at first floor level or above from lower floors of the building in the event of the building being affected by flooding. The development shall be implemented in accordance with the approved details, and maintained in accordance with the approved details permanently thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with policy 5.12 of The 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).

- 21) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by, the local planning authority in consultation with Thames Water. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To ensure no detrimental impact upon underground sewerage and water utility infrastructure, 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.

- 22) The development hereby permitted shall not commence until a revised Energy Strategy has been submitted to, and approved in writing by, the Council. All details as approved shall then be implemented prior to occupation or use of the development hereby permitted, and thereafter be permanently retained. Where there is a shortfall in meeting the London Plan CO2 reduction target, a payment in lieu will be required.

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.

- 23) The development hereby permitted shall not commence until a revised Sustainability Statement, including measures which will meet BREEAM 'very good' rating as a minimum, has been submitted to, and approved in writing by, the Council. All details as approved shall then be implemented prior to occupation or use of the development hereby permitted, and thereafter be permanently retained. Within six months of first occupation of the development details of compliance with sustainability measures, contained within the post construction BREEAM assessment, shall be submitted to, and subsequently approved in writing by, the Council.

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 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.

- 24) 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 25) 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 26) 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 27) 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 if found to be required as a result of the quantitative risk assessment report above. 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 28) 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 29) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council (if required) 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, and in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

- 30) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment the supplementary information provided in emails from the Applicant's Agent dated 30/8/17 and 8/9/17. In line with advice from Thames Water, a non-return valve or other suitable device shall also be installed to avoid the risk of the sewerage network surcharging wastewater to basement and ground levels during storm conditions. The development shall not be occupied until all of the proposed flood mitigation measures have been integrated into the development, and they shall be maintained and retained thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with policy 5.12 of The 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).

31) The development hereby permitted shall not be commenced until detailed design and method statements for the proposed demolition and excavation works and all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority in consultation with London Underground which:

- Provides details on all structures;
- Provides details of tall plant and scaffolding;
- Accommodates the location of any existing London Underground structures;
- Demonstrates access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering their land;
- Demonstrates that there will at no time be any potential security risk to London Underground railway, property or structures;
- Accommodates ground movement arising from the construction thereof; and
- Mitigates the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with London Underground. All structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

To ensure that works during demolition, construction and operation does not have adverse impacts on existing London Underground transport infrastructure, in accordance with policy 6.3 of the London Plan (2016) and the Mayor's 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

32) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) relating to archaeology has been submitted to, and approved in writing by, the Council. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to, and approved in writing by, the Council. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

To ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with policy DM G7 of the Development Management Local Plan (2013) and the National Planning Policy Framework (2012) Chapter 12.

- 33) Prior to the commencement of the development, details (including detailed drawings) shall be submitted to, and approved in writing by, the Council demonstrating how the development hereby approved would be accessible to all and comply with SPD Design Policies 1, 2, 3, 6, 7 and 8 of the Council's adopted Planning Guidance Supplementary Planning Document (2013). The details as approved shall be carried out prior to first use of the development, and shall thereafter be permanently maintained.

In order to ensure easy and convenient access for all users, including disabled people, in accordance with Policy BE1 of the Core Strategy 2011, SPD Design Policies 1, 2, 3, 6, 7 and 8 of the Council's adopted Planning Guidance Supplementary Planning Document (2013) and Policies 4.5 and 7.2 of The London Plan (2016).

- 34) Prior to the occupation of the development the details of the proposed 16 car and 4 motorcycle parking spaces (including 3 car parking spaces for use only by blue badge holders and which shall be demarcated as such) and service area shall be submitted to, and approved in writing by, the Council. The details shall include the provision of electric vehicle charging points for all of the 16 car parking spaces. The car and motorcycle parking spaces and servicing area shall thereafter be laid out and permanently retained and used for their intended purposes only.

To ensure satisfactory provision and retention of car parking spaces and servicing area so that the development does not result in additional on-street parking stress or obstruction on the highway, in accordance with policy DM J4 of the Development Management Local Plan 2013 and SPD Transport Policies 5, 6 and 22 of the Planning Guidance Supplementary Planning Document 2013.

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

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

- 36) The open seating areas associated with the development hereby approved shall not be used after 2300 and before 0800 the following day Mondays to Fridays and shall not be used after 2300 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays; and when not in use the chairs and tables shall be stored within the development hereby permitted.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 37) No customers shall be on the retail/commercial premises hereby approved between the hours of midnight and 0730.

In order that noise and disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents, in accordance with Policies DM C6, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 38) Save for works below ground level, no development shall commence until details of measures to mitigate light spillage from all floor levels of the proposed building towards neighbouring residential properties and a scheme for the control of the operation of internal lighting (during periods of limited or non-occupation) have been submitted to, and approved in writing by, the Council. The details as approved shall be implemented prior to first occupation of the building hereby permitted and thereafter be permanently retained.

To ensure that the amenities of surrounding residential properties are not unduly affected by light pollution and in order to conserve energy when not occupied, in accordance with policies DM H10 and DM H11 of the Development Management Local Plan (2013) and Core Strategy (2011) policy BE1.

- 39) No demolition or development shall take place until an internal and external photographic record has been made of No.3 Hammersmith Grove and the record has been submitted to, and approved in writing by, the Council. A copy of the approved photographic record shall be lodged with the Borough Archives.

To ensure that a proper record is made of the building prior to the demolition and so that this information is made available to the appropriate statutory bodies, in accordance with policy DM G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 40) Prior to commencement of the development, excluding works of demolition, ground or enabling works, details and samples, where appropriate, of all paving (including permeable paving) and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details.

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

- 41) The main lift core within the development shall contain at least one fire rated lift, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of the building. All lifts within the building, including car lifts, shall have enhanced lift repair service running 365 day/24 hour cover to

ensure that no occupiers (including wheelchair users) are trapped if the lift breaks down. The fire rated lift shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development is accessible and responds to the needs of people with disabilities, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 42) The building shall not be used for any purposes other than those described in this planning permission, neither shall the premises be used for any other purposes within the relevant Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class would be unacceptable due to effect on access provision, residential amenity or traffic generation, in accordance with Policy T1 and CF1 of the Core Strategy (2011), and Policies DM A9, DM H9, DM H11 and DM J1 of the Development Management Local Plan (2013).

- 43) No alterations shall be carried out to the external appearance of the development, including the installation of air-conditioning units, ventilation fans or extraction equipment, plumbing or pipes, other than rainwater pipes, on the approved elevations 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 street scene, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 44) Prior to commencement of development, excluding works of demolition, ground or enabling works, details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to, and approved in writing by, the Council. The development shall proceed in accordance with the approved details and be retained as such thereafter.

To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with policies 7.6 and 7.7 of the London Plan (2016).

- 45) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and 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 additional planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan (2013).

- 46) Notwithstanding the details shown on drawing Nos.699\_02\_07\_100 Rev.P5 and 699\_02\_07\_120 Rev.P1, the development shall not commence until a completed section 278 legal agreement has been entered into with the highway authority in connection with the implementation of public realm works to a scheme and a programme to be agreed with the Council which shall include:
- (i) Resurfacing of the footways surrounding the site;
  - (ii) Access changes on Beadon Road including the closure of an existing access and the widening of an existing vehicle access point;
  - (iii) Provision of 14 Sheffield cycle stands on the footways surrounding the site.
- Detailed drawings of the proposed works including a layout plan shall be submitted to, and approved in writing by, the Council prior to the commencement of the works. The works detailed on the approved drawings shall be implemented in accordance with the highways agreement prior to occupation of the development.

In order to ensure that the works on the highway are carried out in a satisfactory manner and ensure direct, convenient and safe access to and from the development, in accordance with policies DM J5 and DM J6 of the Development Management Local Plan 2013.

- 47) No advertisements shall be displayed on either the external faces of the development and/or inside any windows, without details of the advertisements having first been submitted to and agreed in writing by the Council.

In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G8 of the Development Management Local Plan 2013.

- 48) The window glass of the building at ground floor level shall not be mirrored, tinted or otherwise obscured. The development shall be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan (2013).

- 49) Prior to the occupation of the development the 298 internal cycle parking spaces shown on drawing No.699\_02\_07\_099 Rev.P4 and 27 external cycle parking spaces shall be provided, and shall be permanently accessible for the storage of bicycles for staff and visitors to the development.

To ensure the provision of bicycle spaces in accordance with policies 6.9 and 6.13 of The London Plan (2016) and policy DM J5 of the Development Management Local Plan (2013).

- 50) The development hereby permitted shall not be occupied or used until full details of the shower rooms and changing areas (including the number of showers) to be provided in the proposed building for use by staff are submitted to, and approved in writing by, the Council. Such details as are approved shall be provided prior to first use and they shall be permanently retained for the use of employees.

In order to ensure satisfactory facilities for staff including cyclists, in accordance with policy DM J5 of the Development Management Local Plan (2013).

- 51) No external roller shutters shall be attached to the building at ground floor level.

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

- 52) The development hereby approved shall not be occupied unless and until the proposed access to Beadon Road has been constructed (in accordance with details to be agreed under the required S278 highways agreement) and provided with visibility splays of 2.4 metres x 25 metres, in accordance with the submitted drawing No.03001 Rev.P1. The visibility splays shall be kept permanently clear of any obstruction over 0.6m in height thereafter.

In order to ensure direct, convenient and safe access to and from the development, in accordance with policies DM J5 and DM J6 of the Development Management Local Plan 2013.

- 53) No machinery or equipment operated in connection with the retail/commercial uses shall be used outside the hours during which customers are permitted to be on the premises.

In order that the machinery and equipment used in connection with the permitted use does not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies DM C6 and DM H9 and DM H11 of the Development Management Local Plan 2013.

- 54) No organised delivery of food shall take place from the premises using motor vehicles (which includes motor cycles, mopeds and motor scooters).

No provision has been made for the parking of vehicles off-street in connection with a delivery service. In the circumstances, any such vehicles would be likely to park on the public highway which would prejudice the free flow of traffic and public safety and harm the setting of this building, contrary to policies DM J1 and DM G1 of the Development Management Local Plan 2013.

- 55) No live or amplified music shall be played or performed in the open seating areas hereby approved.

In order that the use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance in compliance with policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 56) Save for works below ground level, no development shall commence until details of any window cleaning equipment including appearance, means of operation and storage have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.



In order to ensure a satisfactory external appearance, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 57) Prior to the commencement of the development hereby permitted, other than demolition, ground works, site preparation or remediation, details of the proposed hard and soft landscaping of the site, including: planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance shall be submitted to, and approved in writing by, the Council. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details.

To ensure a satisfactory external appearance and that occupiers of the development are not adversely affected by air quality, in accordance with London Plan 2016 policy 7.14, Policies BE1, CC4 and HTC of the Core Strategy (2011) and policies DM E4 and DM H8 of the Development Management Local Plan (2013).

- 58) Any tree or shrub planted pursuant to approved landscape details that is removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted, unless otherwise agreed by the local planning authority, in the next planting season.

To ensure a satisfactory external appearance in accordance with Policies BE1 and HTC of the Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (2013).

- 59) All works shall be carried out in accordance with the submitted Arboricultural Implications Report (which includes the Tree protection plan) by SJA Trees Ref.SJA air 17155-01c dated June 2017, and in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.

To ensure a satisfactory external appearance and to ensure the retention of trees adjacent to the site in the interests of visual amenity, in accordance with Policies BE1 and HTC of the Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (2013).

- 60) The development hereby permitted shall not be used or occupied until final Commercial Travel Plans for the office and the ground floor commercial and gallery uses have been submitted to, and approved in writing by, the Council. The travel plans shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the approved uses remain in operation. The plans shall be annually monitored and reviewed and the details of the outcome of this process shall be submitted in writing to the Council.

To ensure that the existing amenities of local residents are safeguarded and to ensure that the operation of the use does not add unduly to existing levels of traffic generation, in accordance with Policy T1 of the Core Strategy 2011 and policies DM J1, DM J5, DM J6, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 61) The development hereby permitted shall not commence until a Demolition and Construction Workers Travel Plan has been submitted to, and approved in writing by, the Council. The travel plan shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented throughout the demolition and construction of the development.

To ensure that the existing amenities of local residents are safeguarded and to ensure that the operation of the use does not add unduly to existing levels of traffic generation, in accordance with Policy T1 of the Core Strategy 2011 and policies DM J1, DM J5, DM J6, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 62) Prior to the commencement of the development a Low Emission Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect sensitive receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO<sub>x</sub> emissions standards for the chosen energy plant) that are required to reduce the exposure of future occupiers to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and particulates from on-site transport during operational phases by means of a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of Ultra Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol). The strategy must re-assess air quality neutral in accordance with the Mayor of London's SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. The details, as approved, shall be fully implemented prior to the occupation/use of the development and thereafter be permanently retained and maintained.

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

- 63) Prior to commencement of the development (excluding site clearance and demolition), a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> filtration shall be submitted to, and approved in writing by, the Council. This report shall specify air intake and air extract locations and the design details and locations of windows on all habitable floors to be occupied for Class B1 use and the gym at basement level -2 to demonstrate that they avoid areas of NO<sub>2</sub> or PM exceedance e.g. Beadon Road, Glenthorne Road and Hammersmith Grove. 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. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 64) 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 hot water. The Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 30 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The details as approved shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 65) Prior to the commencement of development an Air Quality Dust Management Plan (AQDMP) shall be submitted to, and approved in writing by, the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London's 'The Control of Dust and Emissions during Construction and Demolition' SPG (July 2014) and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Mayor's SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction, dust and emission control measures including on-road and off-road construction traffic, Ultra Low Emission Vehicle Strategy (ULEVS) e.g. use of Low Emission Vehicles such as Electric, Hybrid (Electric-Petrol), and Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM<sub>10</sub> should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. The developer must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

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

- 66) Prior to the first occupation of the development a final operational Delivery and Servicing Plan in accordance with Transport for London's Delivery and Service Plan Guidance shall be submitted to, and approved in writing by, the Council. Details shall include times of deliveries and collections/silent reversing

methods/location of loading bays and vehicle movements. The servicing shall thereafter be carried out in accordance with the approved details.

To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policies DM H9, DM H11 and DM J1 of the Development Management Local Plan 2013, and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document 2013.

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

- 1) 1. Land Use: The use of the site primarily as a Class B1 office building is considered to be acceptable in the context of the existing use of the site and the its location in Hammersmith Town Centre with excellent public transport facilities. The proposed development would achieve a sustainable development, whilst optimising the use of previously developed land. Core Strategy (2011) Strategic Policy B and Policy LE1, and Policy 4.2 of The London Plan (2016), would thereby be satisfied.
2. Design: The proposal would be of a high standard of design. It is considered that the building would enhance the appearance of the area and have an acceptable impact upon nearby conservation areas. The proposed loss of a Building of Merit is considered to be justified in this instance. Core Strategy policy BE1, Development Management Local Plan (2013) policies DM G1 and DM G7, Policies 7.4 and 7.6 of The London Plan (2016) and the NPPF would thereby be satisfied.
3. Highways: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. Off-street parking and servicing would be provided and the development is considered not to have the potential for contributing significantly towards pressure on on-street parking due to the high accessibility to public transport, subject to satisfactory measures to discourage the use of the private car which would be contained in travel plans. Improvements would be made to the highway at the development site as part of the proposal. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with Development Management Local Plan (2013) policies DM J1, DM J2 and DM H5.
4. The development would provide level access, lifts to all levels, suitable circulation space and dedicated parking spaces for wheelchair users. Satisfactory provision is therefore made for users with mobility needs, in accordance with policy BE1 of the Core Strategy (2011), SPD Design Policies 1, 2 and 3 of the Planning Guidance Supplementary Planning Document (2013) and policies 4.5 and 7.2 of the London Plan (2016).
5. Sustainability and Flood Risk: The application proposes a number of measures to reduce CO2. The proposal would seek to achieve a 'very good' BREEAM rating and the implementation of sustainable design and construction measures would be a condition of the approval. A Sustainable Drainage Strategy would be required by condition. Policies CC1 and CC2 of the Core Strategy (2011)

and policies 5.1, 5.2, 5.3, 5.6 and 5.7 of The London Plan (2016) are thereby satisfied.

6. Residential amenity: The impact of the proposed development upon neighbouring occupiers is considered to be acceptable. Measures would be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed development. In this regard the development would respect the principles of good neighbourliness, and thereby satisfy policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

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

### **All Background Papers held by Helen Murray (Ext: 3439):**

Application form received: 10th July 2017  
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:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	07.08.17
Thames Water - Development Control	04.08.17
Historic England London Region	25.07.17
Transport For London - Land Use Planning Team	01.08.17
London Fire And Emergency Planning Authority	25.09.17
Civil Aviation Authority - Safety Regulation Group	03.08.17
Natural England	09.08.17
Victorian Society	27.07.17
Hammersmith & Fulham Historic Buildings Group	10.09.17
The Hammersmith Society	04.09.17
Historic England London Region	14.08.17
London Air Ambulance	15.08.17

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
2A Aldensley Road London W6 0DH	19.07.17
31 Brading Terrace 225 Goldhawk Road W12 8ES	27.07.17
211 Hammersmith Grove London W60NP	25.07.17

8 Overstone Road London W6 0AA	09.08.17
10 Hammersmith Grove London W6 7AP	10.08.17
48 Southerton Road Hammersmith W60PH	15.08.17
211 Hammersmith Grove London W60np	28.07.17
32 Overstone Road London W6 0AA	31.08.17
6 Overstone Road London W6 0AA	10.08.17
The Dartmouth Castle 26 Glenthorne Road London w6 0LS	26.07.17
19 Southerton Road Hammersmith London W6 0PJ	02.08.17
40 Iffley Road London W6 0PA	25.07.17
15A Kilmarsh Road London W6 0PL	08.08.17
35 Overstone Road London W6 0AD	31.07.17

## 1.0 BACKGROUND

1.1 The application site is a triangular piece of land bounded to the east by Hammersmith Grove, to the north by Glenthorne Road and to the south west by Beadon Road. The site comprises the buildings known as 'The Triangle' (5-17 Hammersmith Grove) and 'Britannia House' (1-11 Glenthorne Road) - two linked office buildings of 6-7 storeys in height, forming an L-shape on the site. The site also includes No.3 Hammersmith Grove - a two storey Victorian building which is on the Council's register of locally listed Buildings of Merit, and Nos.3a Hammersmith Grove and 12-18 Beadon Road - a cluster of single storey commercial units which form the southern end of 'The Triangle'. All the buildings are in the Applicant's ownership.

1.2 The site is approximately 0.41 hectares in area and is situated to the north of Lyric Square. To the east, on the opposite side of Hammersmith Grove, is the former NCP site, which has been redeveloped as two 9-11 storey office buildings. There is also an 8-storey office building to the north of this redevelopment site, at 26-28 Hammersmith Grove, which has a taller 13 storey element set back from the street. To the north, on the other side of Glenthorne Road, is a 5-storey (including roof accommodation) 1950s building in office use, known as Glen House. To the south west, on the opposite side of Beadon Road, was a commercial building at 45 Beadon Road which has recently been demolished as part of the redevelopment of King's Mall Car Park (Sovereign Court). When completed Sovereign Court will be a 10-17 (residential) storey block located opposite the site. On the other side of the railway tracks which run under Beadon Road, there is a 14 storey office block known as One Lyric Square, and this, along with Lyric Square itself, forms the southern edge of the townscape opposite the site.

1.3 The nearest residential properties are currently located in Overstone Road and Southerton Road to the north of the site (approximately 50m away). There is also believed to be ancillary residential accommodation above the public house at 26 Glenthorne Road, which is opposite the north-west corner of the application site. As mentioned above, however, the site opposite the application site on Beadon Road is currently being developed for residential use. Residential properties on Hammersmith Grove to the north are approximately 90m away. Residential flats at Ashcroft Square are approximately 100m from the site.

1.4 There are two existing vehicular accesses to the site from Beadon Road, leading to a surface level car park with 28 parking spaces (and a vehicle access ramp leading to a further 9 parking spaces at a lower level).

1.5 The Triangle and Britannia House provides approximately 6000sqm of office (Class B1) floor space.

1.6 The site is within the designated Hammersmith Town Centre and is part of the Hammersmith Town Centre and Riverside Regeneration Area. It is not in a conservation area, although the boundary of the Bradmore Conservation Area is on the opposite side of Glenthorne Road to the north west of the site (10 metres away), this conservation area having been extended and bringing it closer to the site in October 2014. The Hammersmith Grove Conservation Area begins approximately 90m to the north of the site. The Hammersmith Broadway Conservation Area lies to the south east, approximately 30m away. No.3 Hammersmith Grove, which forms part of the application site, is a locally listed Building of Merit (BOM). The site lies within the Environment Agency's Flood Risk Zones 2 and 3.

1.7 The site is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6b, on a scale of 1-6a/b where 1 is 'poor' and 6b being rated as 'excellent'. The Hammersmith and City Line Station is 90m from the site and Hammersmith Broadway (underground - District and Piccadilly lines - and bus station) is located approximately 150m to the south east.

#### Planning History

1.8 The main office buildings date from the 1960s, although 'The Triangle' was refurbished in the 1990s. There have been various applications for alterations to both buildings since they were constructed. Most relevantly to the current proposals, the following application for extensions to Britannia House was granted in 2003:

2001/02475/FUL - Demolition of existing building (except basement); erection of a nine storey building to provide 4,817 square metres of offices (Class B1); alterations to car park and associated landscaping.

1.9 The following application for extensions to The Triangle building was also approved in 1999 (and was subsequently implemented):

1999/00015/FUL - Extensions and alterations to south wing:- Erection of part 5/part 1 storey extension to Hammersmith Grove elevation to provide lift tower and new entrance; 5 storey infill extension to southern service core; rendering of existing brickwork; installation of replacement windows and metal casing to pilasters and erection of railings and gate along boundary with Beadon Road.

1.10 In December 2014 (2014/05794/FUL) a planning application was submitted for the demolition of all existing buildings on the site and redevelopment to provide a building of between 7 and 14 storeys in height plus two basement levels, comprising of 1447s.qm GEA retail/commercial space (Class A1 (shops), A2 (professional and financial services) or A3 (cafe/restaurant)) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road; Class B1 office space from first to thirteenth floors (25,192 sqm GEA); plant enclosure at roof level; 16 car parking spaces, swimming pool, gym, plant, cycle storage and ancillary retail/office space in the two basement levels. Following the publication of an Officers' report to the Planning

and Development Control Committee recommending refusal of the proposals, the Applicants withdrew the application in March 2015.

1.11 In August 2015 a planning application (Ref.2015/04018/FUL) was submitted for the demolition of all the existing buildings on the site and redevelopment to provide a building of between 38.85m and 79.625m in height plus two basement levels providing: gym/leisure use (Class D1), car and cycle parking, plant, waste and recycling storage at basement level; retail use (Class A1/A2/A3) at the southern end of the ground floor; office use above (Class B1a); residential use (Class C3) from ground floor up at northern end of the site; and plant enclosure at roof level. Sufficient information was not submitted to validate the application, however, and this was subsequently not pursued by the Applicant.

1.12 Shortly prior to this in June 2015 a planning application (Ref.2015/02573/FUL) was submitted for the demolition of all existing buildings on the site and its redevelopment to provide a building of between 8 and 14 storeys in height plus two basement levels, comprising of 620 sq m GEA retail/commercial space (Class A1, A2 or A3) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road including 1 accessible parking space; Class B1 office space from first to thirteenth floors (24,266 sq m GEA); plant enclosure at roof level; 15 car parking spaces, swimming pool, gym, plant, cycle storage and ancillary retail/office space in the two basement levels. Planning permission was refused on 2nd September 2015 for the following reasons:

- The building would be set forward of the existing and established building line on Hammersmith Grove and the building and would loom overbearingly above development to the north, the development would have an adverse impact on the setting and views into/out of the Bradmore Conservation Area and the Hammersmith Grove Conservation Area.
- The loss of a locally listed Building of Merit at 3 Hammersmith Grove was considered not to be justified by the proposed public realm provision.
- The proposal to fell six mature London Plane street trees in Hammersmith Grove and Beadon Road
- The impact of the proposal on the daylight conditions of new residential units within 'Sovereign Court' opposite on Beadon Road.

1.13 An appeal was submitted against the Council's decision to refuse planning permission for the application Ref.2015/02573/FUL, with a hearing originally due to be held in July 2016. In advance of this taking place the Planning Inspectorate decided that the appeal should instead be held as an inquiry. This was then scheduled to take place in March 2017, but was postponed by the Planning Inspectorate one day before it was due to begin. The inquiry was then rescheduled to be held in June 2017, but due to the further postponement the Applicant engaged in discussions with Officers with a view to submitting a revised application which would address the reasons for refusal. The Inspectorate have now rescheduled the inquiry to take place in May 2018.

#### Current proposal

1.14 The current application is a revised submission of the appeal scheme which seeks to address the reasons for refusal of application Ref.2015/02573/FUL. It again proposes the demolition of all existing buildings on the site and redevelopment to



provide a building of between 8 and 14 storeys in height plus two basement levels, comprising of 466 sqm GEA retail/commercial space (Class A1, A2 or A3) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road including 1 accessible parking space; Class B1 office space from first to thirteenth floors (23,878 sqm GEA); plant enclosure at roof level; 15 car parking spaces, gym, plant, cycle storage and ancillary retail/office space in the two basement levels.

1.15 As with the previous proposal, the two existing linked office buildings would be replaced by one new building with a roughly triangular footprint, expanded to cover the majority of the site area. To the southern part of the site, however, the demolished single storey commercial units would not be replaced by new built development, and this area would become an open pedestrian area. The majority of the building would be 14 storeys in height above ground (plus roof top plant enclosure). On Glenthorne Road, it would step down in two steps from the full height to an 8 storey frontage to the street. On Beadon Road, the building would step up in three steps from 5, to 8, to 11, to 14 storeys, although the 14 storey element would wrap around the southern edge of the site. A vehicle entrance way into a covered service area would be accessed from Beadon Road, with two car lifts to provide access to two subterranean basement levels (parking being at level -2).

1.16 The basements would contain plant, cycle storage, toilets, changing and shower facilities, a gym (for ancillary office use, not for public access), parking for 15 cars, the lower floor of the office/gallery, and ancillary storage space. At ground floor level, the development proposes retail/commercial space within the southern part of the building. The office entrance and reception is proposed on Hammersmith Grove in the northern half of the site. Towards Glenthorne Road an office/gallery space is proposed. The upper floors would all be in office (Class B1) use.

1.17 The following key amendments have been made to the scheme in this current application, compared to the refused application Ref.2015/02573/FUL which is currently at appeal:

- The building has been set back by approximately 3m from the pavement edge along Hammersmith Grove;
- The building has been set back by 4.5m from the southern end of the site opposite Lyric Square;
- The retention of 6 London plane trees on Hammersmith Grove and Beadon Road;
- An increase in the amount of public realm proposed around the building;
- Alterations to the massing of the building on Beadon Road;
- Independent access is proposed for the art gallery at ground floor level.

1.18 This report will focus on whether the above amendments address the reasons for refusal of the appeal scheme.

1.19 A screening request was submitted to the Council on 5th June 2017 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations (2017). The Council confirmed on 30th June 2017 that an Environmental Impact Assessment would not be required. The application is however accompanied by various supporting documents, including a Planning Statement, a Design and Access Statement, a Townscape and Visual Impact Assessment, a Transport Assessment and Travel Plan Framework, a Wind Assessment, Daylight and Sunlight Assessment; an

Arboricultural Report; Preliminary Ecological Appraisal, a Sustainability Statement; Energy, Flood Risk, a Noise Assessment, an Air Quality Assessment; an Environmental Risk Assessment; a Construction Management Plan, a Drainage Strategy, a Flood Risk Assessment and a Statement of Community Involvement.

1.20 The application is referable to the Mayor of London due to the height and floorspace of the proposed building.

## 2.0 PUBLICITY and CONSULTATIONS

### Previous schemes

2.1 An office-led proposal on this site was previously presented to the Design Review Panel on 21st October 2014. In general the DRP's response was positive.

2.2 Both the current scheme and the appeal scheme have not been presented again to a Design Review Panel, but the schemes are similar to the one previously considered by the DRP in 2014.

2.3 A Planning Forum was also held on 28th October 2014 with invited representatives of local amenity groups, local residents and ward councillors, at which the developers presented a 12 storey office redevelopment scheme, again this was a forerunner to the current proposal.

### Public Consultation on the Current Application

2.4 A Statement of Community Involvement (SCI) has been submitted with the application.

2.5 The Applicants held a public exhibition on 19th and 22nd July 2017 to present the application proposal. The Applicants say that 488 local residents and neighbouring businesses were invited by letter. Twenty four people attended the exhibitions over the two days.

2.6 The current planning application was publicised by the Council by way of press and site notices posted in July 2017, and 1778 notification letters were sent to individual properties in surrounding buildings or streets.

2.7 Fifteen responses were received raising objections to the proposal. The following objections and concerns have been raised, in summary:

- Noise pollution detrimental to residents.
- Noise, vibration, dirt and dust and other construction impacts such as an impact on parking resulting from developments close to the site have affected residents and businesses and this would continue this disruption, including the Dartmouth Castle public house, particularly its outdoor seating area. Further development may threaten the viability of the business.
- No need for car park in this location.
- Loss of mature trees on Hammersmith Grove and Beadon Road is unacceptable.
- Will restrict future tree growth on Beadon Road.
- Will worsen the noise and vibration effects of the train movements.
- Loss of listed building.

- The height should be limited to 10 floors to allow fire brigade ladders to reach.
- Loss of sky views.
- New offices not needed.
- New gym not needed.
- Will worsen traffic jams in the area.
- Will make the area more crowded.
- There are enough tall buildings in the area.
- The building should only be 6-10 storeys high.
- Will reduce quality of urban landscape, footprint and height are excessive.
- Will be nowhere for smokers in the building to go if car park is developed.
- Public consultation only took place after application submitted and during the summer holidays, limited time to respond.
- Construction impacts lead to increased costs for adjacent businesses in terms of cleaning, air conditioning.
- Adjacent businesses concerned about loss of services during construction.
- Loss of light and privacy to neighbouring offices.
- Detrimental impact to properties to the north due to the proposed height of the building.
- Would contribute to creating wind tunnels.
- Existing buildings on site are in keeping with the area and should be retained.
- Increased traffic will worsen air pollution.

2.8 The Hammersmith Society has responded with objections to the proposal. They state, in summary:

- Objections have been raised to previous applications including the recent appeal scheme.
- The minimal amendments to the current scheme do not justify the granting of planning permission.
- Too high and an over-development of the site leading to a canyon effect in the streets surrounding the site;
- Disrespectful to the domestic scale of the adjoining conservation areas;
- Gives rise to potential loss of trees and lack of landscaped areas.
- Acknowledge that the issue of the building line on Hammersmith Grove and loss of trees has been addressed by the current application.
- Previous engagement with the Applicant is not reflected in the revised scheme and the timing of this application has made commenting awkward.
- The proposed building is not of exceptionally good design. It has a hard edged, almost brutal quality which is alien to Hammersmith and its context.
- The design does not justify the loss of the Building of Merit at 3 Hammersmith Grove, public open space should be more structured.

2.9 The Hammersmith and Fulham Historic Buildings Group have responded, indicating that they object to the application. In summary their comments are:

- Existing buildings respect their surroundings and the Building of Merit which is in good condition.
- The current application is very similar to the appeal scheme and satisfies few of the objections.
- the proposed building fails to integrate with its surroundings.
- Mature trees in Beadon Road and Hammersmith Grove will be lost.
- No attempt appears to have been made to save or integrate the Building of Merit and the proposals do not merit its loss.

## Responses from other consultees

2.10 Thames Water raises no objection. Conditions and informatives are recommended including details of the impact of piling close to sewers and water infrastructure.

2.11 The Environment Agency raises no objection but raised the issue of an escape route to higher floors in the event of a flood. A condition (No.20) requires the submission of details of access to an area of refuge at first floor level or above.

2.12 The Victorian Society have objected to the loss of the Building of Merit and state that this would harm the setting of the Hammersmith Grove Conservation Area. They states that the application does not constitute sustainable development as it does not sensitively manage the historic environment and the Building of Merit should be retained and incorporated into any redevelopment of the site.

2.13 Transport for London (TfL) responded with the following comments:

- Zero parking would be supported given the high PTAL level.
- The most recent data for cycle hire in the locality confirm demand is still high, consider that a contribution of £110,000 should be made to cover the capital costs of a new docking station.
- A financial contribution to the Cycle Superhighway 9 scheme proposed adjacent to the development and which would see junction improvements adjacent to the site would also be appropriate.
- London Underground infrastructure should be protected by condition.
- Travel plan, construction logistics plan and delivery and servicing plan should all be secured as part of any planning permission.

2.14 London Underground have responded with no objections to the proposal subject to conditions and informatives relating to the protection of their infrastructure.

2.15 The London Air Ambulance have raised no objections to the proposal.

2.16 Natural England has responded with no objections.

2.17 Historic England (Development Management section) have responded to state that the application should be determined in accordance with national and local policy guidance, and specialist conservation advice.

2.18 Historic England (The Greater London Archaeological Advisory Service (GLAAS) responded with recommendations that the applicant carry out further work, in the form of a desktop assessment for further review by GLAAS, to establish the extent of archaeological deposits and scope for and method of their retention. This work should inform a planning decision. (Officer response: the submission of such an assessment would be a condition of an approval).

2.19 The Station Manager of Hammersmith Fire Station has stated they have no concerns regarding the demolition phase and construction.

2.20 The Hammersmith and Fulham Disability Forum Planning Group have responded with the following comments:

- Do not support aspirations for a shared surface on Hammersmith Grove but would support signalised crossings to provide access to the site.
- Facilities should be in place to ensure easy access to both levels of the proposed gallery.
- Details of the internal ramp at ground floor level should be provided.
- Maintenance contract for car lift should be provided so people with mobility difficulties are not trapped in basement car park, and the car lift controls should be accessible.
- The lockers provided at basement level should be accessible.

2.21 The application was referred to the Greater London Authority (GLA) under Category 1B of the Town and Country Planning (Mayor of London) Order 2008, as the height of the new building would exceed 30m and the floor space of the proposed building would exceed 20,000 sqm. The Mayor of London was due to issue a Stage 1 report to the Council by 1st September 2017, however to date this has not yet been received. It is now expected on or soon after 2nd October 2017.

2.22 The planning issues raised in all the responses to the planning application outlined above will be considered in the body of the report below.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main issues for consideration in relation to this application are:

- Whether the development would accord with the appropriate policies in the National Planning Policy Framework (NPPF), The London Plan, the Core Strategy, the Development Management Local Plan and the Planning Guidance Supplementary Planning Document.
- Whether the proposal is acceptable in land use terms.
- The quantum of the development in terms of its height, scale, massing and alignment.
- The design quality/external appearance including materials of the proposal
- The impact on the character and appearance of the surrounding conservation areas and the surrounding townscape.
- The potential for traffic generation and the impact on the highway network.
- The impact on the amenities of neighbouring occupiers in terms of outlook, light, privacy and noise/disturbance.
- Energy efficiency and sustainability.

#### LAND USE

3.2 The application proposes the redevelopment of an existing office building in Hammersmith Town Centre to re-provide, expand and improve the quality of the office accommodation on site. The amount of office floor space would increase by 15,606 sqm GEA (from the existing 8,660 sqm. to 23,878 sqm (GEA - gross external area).

3.3 The NPPF indicates that planning decisions should assist in securing economic growth and encourage business development. London Plan policies 2.11 and 4.2 support office rejuvenation through the renewal and modernisation of the existing office stock in viable locations, and seeks an increase in the overall quantum of offices to meet anticipated future requirements for economic growth. Core Strategy Strategic Policy B encourages major office based development within Hammersmith Town Centre (a Major Centre) and Strategic Policy HTC states it will encourage regeneration in the town centre and supports the introduction of modern office accommodation and creation

of new jobs. Policy LE1 of the Core Strategy seeks to retain premises capable of providing continued accommodation for local services or significant employment. Policy DM B1 of the Development Management Local Plan (DMLP) provides support to the intensification of existing employment sites. The proposal, in terms of the increased office floorspace proposed, is thus considered to be consistent with the aims of these policies

3.4 The site is in Hammersmith centre, within close proximity of four underground lines and a bus interchange. It has highest public transport accessibility level (PTAL 6b) and already provides an established office development of significant scale. Given this, and the local, regional and national policies which seek to encourage new office development in viable town centre locations, it is not considered that there is a planning policy objection to a redevelopment scheme which provides a larger amount of office floor space on this site. This is particularly the case as the proposed scheme would renew and expand an outdated office building to modern standards with Grade A accommodation, in order to continue to provide significant employment in the local area. Whilst the acceptability of the proposal is also dependent on other factors such as the design of the building and the impact on neighbouring residents and the surrounding area, Officers raise no objection in land use terms to the predominantly office-based proposal.

3.5 The scheme is a B1 office-led scheme but also proposes retail/commercial uses on the ground floor, along with a gallery space which would be ancillary to the office use. The mix of uses is considered to be in compliance with national, regional and local land use policies. In particular Core Strategy policy HTC states that 'office development will be expected to include an active frontage with other uses that enhance the street'. Policy DM B1 of the DMLP encourages the mixed use enhancement of employment sites which are under-utilised, subject to the satisfactory retention or replacement of employment uses in the scheme. Policy DM C1 states that the Council will 'support proposals that enhance the viability and vitality of the Borough's town centres and will seek to ensure a range of accessible shopping and other town centre uses to meet the needs of local residents, workers and visitors'.

3.6 The scheme proposes a total of 466 sqm (GEA) of flexible retail (Use Class A1) and/or café/restaurant (Class A3) or financial and professional services (Class A2) premises (compared to 439 sqm within the existing buildings on the site). These uses would generate active frontages to the development on Beadon Road and the southern part of Hammersmith Grove, replacing, expanding and improving on the quality (both in visual terms and potentially in terms of the retail offer) of the existing frontages provided by the single storey commercial units on the site. The proposed gallery space would also enliven the frontage along Glenthorne Road which does not currently have an active frontage.

3.7 It is considered that the retail, restaurant or commercial uses would provide convenient facilities for workers and local residents which would complement other similar uses in Hammersmith Town Centre. In particular the introduction of a larger commercial unit on the ground floor would serve to create an attractive new cluster of commercial uses taken together with the recently opened restaurants at 10 and 12 Hammersmith Grove.

3.8 It is acknowledged that the redevelopment would result in the loss of four existing (and one vacant) commercial uses at the southern end of the site along with the

occupants of The Triangle and Britannia House. The scale and nature of the redevelopment and the re-provision of high grade office space which would support greater employment opportunities in the town centre and is considered to justify this loss of smaller units in this instance. The Applicant is also sensitive to its current tenants and as such has requested a four year planning permission, instead of the usual 3 years, in order to allow existing tenants to serve out their leases. In this instance, and taking into account the scale of the development, it is considered that a four year permission would be appropriate.

3.9 For the above reasons, Officers support the principle of the land uses proposed on the site, which are considered to be appropriate within this town centre location, and are consistent with relevant national, regional and local planning policies.

## DESIGN

3.10 Paragraph 56 of the NPPF states that great importance should be attached to the design of the built environment. Paragraph 58 states that planning decisions should aim to ensure that developments 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'. Paragraph 60 states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

3.11 London Plan policy 7.1 requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.

3.12 London Plan Policy 7.4 states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment.' Policy 7.5 promotes public realm and requires the provision of high quality public realm that is comprehensible at a human scale. Policy 7.6 addresses architecture and states that buildings should be of the highest architectural quality which 'is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality

materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality'. Policy 7.7 relates to the design of tall buildings. Policy 7.8 requires that development respects affected heritage assets by being sympathetic to their form, scale, materials and architectural detail. Policy 7.21 seeks the retention of existing trees of value with new development, and their replacement when lost.

3.13 Relevant local policies concerning the design of the proposed development include policy BE1 and of the Core Strategy and policies DM G1, DM G2 and DM G7 of the Development Management Local Plan.

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

3.15 Policy DM G1 (Design of New Build) of the Development Management Local Plan seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. It states that:

'All proposals must be designed to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form and grain of surrounding development;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) the principles of good neighbourliness;
- f) the local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm; and
- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) the principles of Secured by Design.'

3.16 Policy DM G2 (Tall buildings) seeks to restrict tall buildings to those areas identified in the Core Strategy (broadly, these areas are the regeneration areas which includes parts of Hammersmith Town Centre Regeneration Area). In these areas, any proposal for tall buildings would need to demonstrate that it:

- a) has an acceptable relationship to the surrounding townscape context in terms of scale, streetscape and built form;
- b) has an acceptable impact on the skyline, and views from and to open spaces, the riverside and waterways and other locally important views and prospects;
- c) has an acceptable impact in terms of the setting of, and views to and from, heritage assets;
- d) is supported by appropriate transport infrastructure;



- e) is of the highest architectural quality with an appropriate scale, form and silhouette;
- f) has an appropriate design at the base of the tall building and provides ground floor activity;
- g) interacts positively to the public realm and contributes to permeability of the area;
- h) is of a sustainable design and construction where energy use is minimised and the design allows for adaptation of the space;
- i) does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage and vehicle movements; and
- j) it respects the principles of accessible and inclusive design.

3.17 Core Strategy Policy BE1, in relation to tall buildings, says that tall buildings may be appropriate in parts of Hammersmith Town Centre. However, it states:

'Not all parts of the town centre will be suitable and any proposals for tall buildings will need to respect the existing townscape and historic context and make a positive contribution to the skyline emphasising a point of civic or visual significance. The character of the built form and the sensitivity of the setting of heritage assets may mean that some parts of these areas will be sensitive to, or inappropriate for, tall buildings. Any proposals for tall buildings will need to respect the existing townscape context, demonstrate tangible urban design benefits, and be consistent with the council's wider regeneration objectives.'

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

3.19 Design Policies 1 and 45, 46, and 49 of the Supplementary Planning Document 2013 are also relevant. Policy 45 requires new development to respect the dominant building line on the street frontage. Policy 46 states that new development should respect the general townscape in each area. Policy 49 states that development should not adversely affect key views within, into or out of a conservation area.

#### Existing site

3.20 The existing main 1960s buildings on the site are L shaped in form and 6 storeys high on Hammersmith Grove and 7 storeys high on Glenthorne Road. The Beadon Road frontage is dominated at ground level by the service area and surface level car park.

3.21 No. 3 Hammersmith Grove (Building of Merit) is the last remaining remnant of a Victorian terrace that stood on the Triangle site. The building's facade itself is attractive but it has unfortunately lost its setting with the demolition of the rest of the terrace along Hammersmith Grove. It has an awkward relationship of scale and alignment with the existing Triangle buildings. The single storey buildings attached to it on the south side are of low townscape quality.

## Proposed building

### Height

3.22 At its highest point the proposed building would be 14 office storeys in height above ground level. Other recent development on neighbouring sites includes the 9 and 11 storey office buildings opposite at 10 and 12 Hammersmith Grove and the 17 (residential) storey Sovereign Court building on Beadon Road. The proposed building on the Triangle site would be taller by a storey than both of these immediate neighbours and would be the tallest building to the north of King Street (it would exceed 12 Hammersmith Grove by 5.3m and the Sovereign Court tower by 3.5m. The height of St Martin's House, 1 Lyric Square would be exceeded by approximately 3.5m).

3.23 As viewed from Lyric Square, the southern end of the building would present its narrowest profiled tip, with a width of three window bays rising to the full height of 14 storeys. The southern tip would present slender proportions, but due to the triangular shape of the site and the fact that the building's footprint would now cover much of the site, views of the east and west facades would also be highly visible as components of the view from Lyric Square and beyond.

### Views from Lyric Square and Hammersmith Grove

3.24 In this revised scheme, the main eastern elevation of the building on Hammersmith Grove has been set back by a further 3m compared to the appeal scheme and this will have a number of positive effects. The proposed building line is similar to the alignment of the existing 1960s Triangle building and similar to the alignment of the previous terrace of Victorian houses (Nos.5-17) that originally stood on the site. An important part of the character of the street is its width and the site falls within the setting of the Hammersmith Grove Conservation Area to the north. The Conservation Area Profile mentions that 'the character of the street differs slightly from the surrounding area in that the street dimensions are more generous'. It also states that 'the most important views are the vistas down Hammersmith Grove (both North and South). Great care must, therefore, be taken when considering applications which will affect these vistas, including those on sites outside the conservation area, i.e. at the extreme ends of Hammersmith Grove'.

3.25 By setting the eastern elevation close to the original building line, the new building will reinforce the original wide character of the street and will not narrow the views into and out of Hammersmith Grove, including from that part which falls within the Hammersmith Grove Conservation Area. This is a significant improvement compared to the appeal scheme that would have risen close to the plot boundary, resulting in a pronounced restriction of the view. There will be an additional benefit from the demolition of the existing building, due to the removal of its external, 6 storey lift and stair tower. This primarily glazed structure projects well forward of the Triangle building to a position close to the plot edge and close to the back of the public footpath. It currently creates a pinch point, that narrows the views into Hammersmith Grove looking from Lyric Square and in views down the street from north of the site. The removal of the lift and stair tower will improve the setting of the Hammersmith Grove Conservation Area by removing the restriction to the historically wide view down the street towards the town centre. The view into and along the street from vantage points within Lyric Square will also be opened up, allowing more of an appreciation of its wide and tree lined character.

3.26 The appeal scheme would have created intense enclosure of the street and a canyon like effect, by rising close to the back edge of the plot line. That problem has been satisfactorily resolved in this application by setting back the elevation by a further 3 metres, in a position close to the historic building line. This will ensure that a comfortable distance is achieved between the facades of Nos.10-12 Hammersmith Grove on the opposite side of the street and will feel very similar to the existing street width.

3.27 When viewed from Lyric Square, the 3 window bay width of the 14 storey south facade will create a positive, high quality elevation of slender and elegant proportions that will enhance the backdrop to Lyric Square. Whilst being slightly taller than the adjacent Sovereign Court on its west side and 12 Hammersmith Grove to its east, at the proposed scale and massing, the building will sit comfortably within the composition of taller town centre buildings. When looking along Beadon Road from Lyric Square, the buildings steps down to 11, 8 and 5 storeys and this reduction of scale will aid the sense of transition towards the lower scale of the primarily residential area to the north that lies within the Bradmore Conservation Area. Conversely, when viewed from Glenthorne Road the building steps up along Beadon Road reinforcing the transition of scale from residential area towards the greater scale of the town centre location. On the eastern elevation too, when viewed from Lyric Square, the building steps down to 11 and 8 storeys where it meets the 5 storey office building, Glen House that is also in the town centre. From this vantage point, the transition down in height is considered acceptable as the lower scale residential buildings in the Hammersmith Grove Conservation area are set a substantial distance away from the site with the intermediate height buildings of Glen and Grove House laying in-between.

3.28 Looming mass at a high level was a concern with the appeal scheme as the eastern elevation was set 3m further forward into Hammersmith Grove. It would have created significant bulk at a high level that would have closed off much of sky view at the south end of Hammersmith Grove. The proposed building is the same height as the appeal scheme and would be more visible along Hammersmith Grove than the existing building, however, the problem of looming mass has been resolved by pulling the building back to close to the original building line. The realignment will help to reinforce the sense of a linear view when seen from a long distance along the street that it is a strong component of the Hammersmith Grove Conservation Area's character. Whilst the building is tall, it is massed to step up and away from the residential area of Hammersmith Grove. It is considered to be of a similar height to other office buildings visible at the southern end of Hammersmith Grove that mark the transition to town centre scale. This change is therefore considered to be respectful of the character of the Hammersmith Grove Conservation Area.

#### Views along Glenthorne Road

3.29 Glenthorne Road in the Bradmore Conservation Area is a transition street between the domestic scale to its north and the increased massing of the town centre to its south. South of Glenthorne Road the character has been changing during the post war period with the construction of buildings of greater scale and mass, generally stepping up in height towards the town centre. The adjacent Sovereign Court development does this along Glenthorne Road, rising from 6 storeys to 9 as it turns into Beadon Road. Whilst this is successful for most of its length, at the corner it does result in a jump in scale across Glenthorne Road that is moderately unsympathetic to the scale of

buildings in the Bradmore Conservation Area directly opposite. The proposed building does something similar in scale and massing, with a jump in scale across the street from the 5 storeys of Glen House to the 8 storeys of the proposal. The transition in scale across the street to the proposed building is considered to be moderately unsympathetic to the character of the Bradmore Conservation Area when viewed along Glenthorne Road. However Glen House is not within a conservation area, and the change in scale across the street does not harm the setting of Hammersmith Grove Conservation Area in views along Glenthorne Road.

3.30 Viewed from the west along Glenthorne Road, the stepping up in height of the building away from residential areas towards the town centre will be apparent. The stepped profile will be seen behind the roofline of Sovereign Court and the western elevation of 12 Hammersmith Grove will form the backdrop. Setting the mass further away from the Bradmore Conservation Area would have been more sympathetic to its setting in this view. However, it is considered to be only moderately harmful to the character of the conservation area given its position in the view between newly built tall buildings that have already established a new skyline.

3.31 At ground floor level the base of the building is considered to have the potential to provide active edges that will engage more thoroughly with the public realm on all 3 sides. A retail/café space, art gallery and commercial entrance could all assist in increasing physical and visual permeability along the edges of the building. The edge of the existing site onto Beadon Road is currently a car park and its least engaging elevation. By building up to the plot line on this street the definition of the route will be greatly enhanced through the creation of active built form where there is currently none.

#### Townscape Views

3.32 Officers acknowledge that whilst the building would be taller than its existing and proposed neighbours, the height would not excessively surpass the height of the of other taller buildings in the town centre. Townscape views testing has shown that in many longer views (such as views from the riverside) the development would be fully or partially screened by existing buildings or by those recently approved.

#### Public Realm

3.33 Setting the building back by 3 metres has the additional benefit of releasing space that will contribute to the public realm. At present, the public footpath in front of the site is narrow. The paved area will greatly increase the width of the accessible public realm and circulation space for pedestrians on the western side of the street and this is considered to be of public benefit.

3.34 Compared to the appeal scheme, the southern elevation has been set back further north from the plot boundary and the kerb edge and this will release a substantial area of paved forecourt. A tree will also be planted in this area in line with the existing planes on Beadon Road. This will help to extend the perception of Lyric Square further north to create a more contiguous public realm, which was an ambition established during the original conception of the Lyric Square project.

## Materials and details

3.35 The building will have a clear base, middle and top. The ground floor bays have extra height which emphasises their importance and provides a strong visual base for the floors above. The top floor bays also have extended height bays to create differentiation and visual emphasis.

3.36 The façade is well articulated with a repeating pattern of bays across all facades. Each floor is delineated by a horizontal band that projects forward from the glazed skin. The vertical structural piers are hidden behind ribbed masonry panels which are orientated on each façade to respond to the conditions of the street alignment. As such the masonry will be parallel to the glazing on the main street elevations and perpendicular on the southern façade. The bays will all have considerable depth and shadow which will greatly assist the articulation of the facades. The ribs in the masonry panels will add further texture and visual interest. A palette of white and light grey materials has been chosen to tone with the buildings nearby, both modern and Victorian. This is an appropriate choice that picks up on local precedents and will reinforce local distinctiveness.

3.37 When considering the elevational treatment of the building, Officers acknowledge the responses from local residents and amenity groups which consider the proposed treatment to be harsh and alien to Hammersmith. Officers are also mindful of the NPPF, which prescribes that it is not appropriate for planning policies and decisions to impose architectural styles or particular tastes, although it is proper to seek to promote or reinforce local distinctiveness. In this case, the façade treatment would intentionally act as a foil to the predominantly glazed facades of the buildings on the NCP site opposite. A palette of white and light grey materials has been chosen to tone with the buildings nearby, both modern and Victorian. Officers do not raise objections to the proposed façade treatment therefore.

## Demolition of the Building of Merit

3.38 The proposals would involve the loss of No.3 Hammersmith Grove, which is a locally listed Building of Merit and therefore a heritage asset. The Council's DMLP policy DM G7 aims '...to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including...buildings and artefacts of local importance and interest'. It also includes the following principle:

'd) Applications for development affecting heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset.'

3.39 Paragraph 135 of the NPPF states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

3.40 Additionally, the Council's SPD Design Policy 21 of the Planning Guidance SPD states:

'Development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artefacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit unless:

1. (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
- (b) The proposed replacement would bring substantial benefits to the community and which would decisively outweigh the loss; and
- (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
- (d) The existing building or structure has been fully recorded.'

3.41 The Building of Merit on the site, No.3 Hammersmith Grove, is the only building to remain of the demolished Victorian terrace which was at Nos.3-17 Hammersmith Grove. The building's stucco facade with distinctive first floor pierced balustrade is attractive and the building is unique within the borough in terms of its particular architectural and decorative style. Unfortunately, however, the building has lost its setting and is now an isolated remnant and reminder of the history of what stood on the site before post-war redevelopment. SPD Design Policy 21 states that development will not be permitted if it will result in the demolition of a locally listed Building of Merit unless exceptions are met. The first of these is that the building or structure is no longer capable of beneficial use, and its fabric is beyond repair, there is no suggestion that that exception applies here. The second is that the proposed replacement would bring substantial benefits to the community that would decisively outweigh the loss. The appeal scheme was considered not to provide substantial benefits and this was a reason for its refusal. It is considered, however, that the current proposal does provide substantial benefits that would outweigh the loss of the Building of Merit. This revised proposal sets the building a further 4.5m back from the southern end of the site. This would be of benefit in terms of increased circulation space for pedestrians in a location which is currently constrained, this space would also be intended for outdoor seating for the proposed commercial unit at ground floor. The current proposal has also introduced a 3m setback to the building along Hammersmith Grove, and there would be a further setback in the north eastern corner of the site by the junction with Glenthorne Road, resulting in an even wider area of pavement and an increased area of accessible public realm along the eastern side of the development on Hammersmith Grove. The amount of public realm that the demolition of the Building of Merit and redevelopment of the site would facilitate is therefore considered to improve the amount of pedestrian circulation space and to extend the contiguous nature and ambience of Lyric Square to the northern side of Beadon Road.

3.42 It has previously been acknowledged that it might be awkward to retain the Building of Merit as part of a wholesale redevelopment of the site, particularly one which also includes the single storey buildings to the south as is the case in this proposal. Retaining No.3 would also severely restrict the ability of any such redevelopment to provide additional public realm at the southern end of the site which is considered to be a substantial public benefit. It is therefore accepted by Officers that, in this instance, the Building of Merit cannot practicably be adapted to retain any historic interest that the building possesses.

3.43 In order to ensure that the existing building would be fully recorded, a condition (No.39) requires a full photographic survey of the Building of Merit to be submitted for approval by the Council prior to its demolition to ensure a satisfactory record for the borough archives.

3.44 Officers are therefore satisfied that, in line with the requirements of the NPPF to take a balanced judgement on the loss of a non-designated heritage asset, the proposed demolition of No.3 would bring substantial benefits to the community in the form of improved areas of public realm on this prominent town centre site which would decisively outweigh its loss. The proposal is therefore considered to comply with policy DM G7, SPD Design Policy 21 and the NPPF in this regard.

#### Trees

3.45 The previously refused application currently at appeal proposed the removal of six healthy London Plane street trees surrounding the site which are considered to offer substantial visual amenity value and contribute to the setting of the nearby conservation areas. It was considered that the loss of these mature trees would result in long term harm to public amenity and the visual appearance of the street scene. During the course of the appeal the need to remove these trees has been further investigated, and it was concluded that the three street trees on Beadon Road would actually be able to be retained. As this revised application has been pulled back approximately 3m on its Hammersmith Grove frontage this will also allow the three street trees on this side of the proposed building to be retained. Three Rowan street trees would also be retained on Glenthorne Road. All of the mature trees on the streets surrounding the site could therefore be retained if this current proposal was to be constructed.

3.46 The five existing plane trees on Beadon Road and the three plane trees on Hammersmith Grove will need to be pruned more regularly and heavily than at present due to the fact that building lines of the proposed development, particularly on Beadon Road where there is currently a car park where the pruning would be required to cut them back from the building. However, as this pruning would be to keep the trees away from the building, they would maintain their visible street facing amenity, and the Council's Arboricultural Officers are satisfied that the level of pruning required will not threaten the health of the trees. The additional pruning to the plane trees on Hammersmith Grove will also primarily impact upon the southernmost of the three trees, as the northernmost two trees are already reasonably well pruned because of the position of the existing building's lift shaft and staircase which projects forward of the existing building. No additional pruning would be required to the three Rowan street trees located on Glenthorne Road due to their existing size. The Applicant has agreed to fund the additional pruning required to the existing street trees on Hammersmith Grove and Beadon Road as a result of the construction of the new building for a period of 21 years.

3.47 In order to accommodate the proposed development and facilitate its construction all the existing trees within the site would need to be removed, as detailed in the submitted arboricultural report. These trees consist of the three Silver Birch trees located in the site car park fronting Beadon Road, and a group of shrub like Holm Oak on the Glenthorne Road and Hammersmith Grove frontages. All of the trees to be removed have been assessed in the submitted report as category 'C'. Three replacement trees are proposed, including a plane tree in line with the existing planes on Beadon Road at the southern end of the site. This proposal is supported and this

tree would be visible from Lyric Square, and so would be a prominent new feature in the streetscene to the benefit of amenity. Two other trees are proposed, one each in the north west and north east corners of the site, the former being from Overstone Road, Glenthorne Road and would add to the existing trees on Beadon Road and the latter being visible from Glenthorne Road and would add to the existing trees on Hammersmith Grove. During the course of the appeal the possibility of planting additional street trees in Hammersmith Grove has been explored and it is considered that it would therefore be appropriate to plant two additional street trees adjacent to the site in Hammersmith Grove in the gaps between the existing street trees. The Applicant has agreed to fund the provision of these trees to mitigate against the impacts of the proposed building and the additional pruning required to the existing street trees.

3.48 Additional planting is also proposed within the development on the terraces at high level. The proposed planting on the terraces would also be beneficial to the amenity in the area.

3.49 The proposed tree planting both within the site and on Hammersmith Grove to be funded by the Applicant is considered to be of sufficient size and quantity in order to compensate for the removal of the trees within the site necessary in order to construct the development. The proposal is therefore considered to be in accordance with policies DM E4 and DM G7 of the Development Management Local Plan 2013, and is therefore acceptable in this regard.

#### Conclusion on design matters

3.50 Officers consider that the proposal has improved upon the appeal scheme and has addressed the Council's most serious concerns. It will provide a suitable redevelopment scheme that could bring about townscape and regeneration benefits to this part of the town centre. Pulling back the building line on Hammersmith Grove by 3 meters will ensure that the development will be compatible with the scale and character of existing development along Hammersmith Grove. Important views along Hammersmith Grove will be respected and opened up from Lyric Square. The width of the view and alignment of the street will be respected and this will preserve the setting of the Hammersmith Grove Conservation Area. Mature street trees in Beadon Road would be retained as part of the redevelopment, and are no longer required to be removed as in the appeal scheme. This would satisfy the provisions of Policies DM G1 and DM E4 and London Plan Policy 7.4 in these respects. Against this, there will be moderately unsympathetic impacts on the setting of the Bradmore Conservation Area due to the jump in scale across Glenthorne Road and massing of the setbacks above it. The Building of Merit will also be demolished but will bring substantial community benefits and is therefore compliant with the requirements of Policy DM G7 of the DMLP, London Plan Policy 7.8, paragraph 135 of the NPPF and SPD Design Policies 21 and 49 of the Planning Guidance SPD. On balance, therefore, it is considered that the revisions to the appeal scheme have resulted in a proposal which would have an acceptable impact in terms of design related issues and which can now be supported.

#### Accessibility

3.51 Policy 7.2 of The London Plan requires all new development to achieve the highest standards of accessible and inclusive design. Policy DM A4 of the Development Management Local Plan states that car parking spaces provided on site should include the needs of blue badge holders. Policy DM G1 and SPD Design



Policies 1 and 8 require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. The proposed development would include two designated car parking spaces for people with disabilities within the basement level car park and one space at ground floor level. Officers consider these spaces are appropriately located close to the core of the building, with one disabled parking bay in the service area which would provide easier access to the ground floor commercial unit. The location and number of car parking spaces will be secured by condition (No.34).

3.52 SPD Design Policy 1 states that buildings should be accessible and inclusive to all. It states that drawings submitted for planning approval should show external access features for detailed approval, showing how internal facilities will cater for different users and how barriers to access will be overcome, as well as showing circulation routes and explaining how accessibility will be managed when the development has come into use. SPD Design Policy 2 refers to entrances into a building and states that any entrances to a building which are above or below street level, or positioned to be level should be level or the slope should not exceed a gradient of 1 in 20 from the street.

3.53 There is a slope to the footway on Beadon Road and Hammersmith Grove running north to south, and a level difference across the site. This necessitates an internal ramp and steps in the commercial premises at the southern end of the site. However, all entrances from the street would be level and there would be level or ramped access to lifts, providing level access to all floor levels. A condition (No.33) requires detailed accessibility drawings, and this would ensure that the development would provide accessible facilities for all people, including people with disabilities. A further condition (No.41) requires details a fire rated lift, and that all lifts within the building, including car lifts, have enhanced lift repair service to ensure that no occupiers (including wheelchair users) are trapped if lifts break down.

## Crime Prevention

3.54 Policy 7.3 of The London Plan advises that new development should seek to create safe, secure and appropriately accessible environments. Core Strategy policy BE1 advises that developments throughout the borough should be designed to enhance community safety and minimise the opportunities for crime. Policy DM A9 of the DMLP refers to a safe and secure environment whilst Policy DM G1 requires new development to respect the principles of Secure by Design.

3.55 Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment are required by condition (No.11) including how there would be site wide CCTV coverage.

## HIGHWAYS MATTERS

3.56 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.

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

3.50 Core Strategy Policy T1 supports The London Plan. Policy DM 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.

3.58 The development site is surrounded by Beadon Road, Glenthorne Road and Hammersmith Grove all with 20mph speed restrictions. The Triangle site is very well served by public transport and has a Public Transport Accessibility level(PTAL) of 6b, which is excellent in terms of its location to public transport network, 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.

3.59 The A315, Beadon Road is classified as a Borough Distributor Road, while Glenthorne Road and Hammersmith Grove are all classified as Local Access Roads. Beadon Road carries one-way eastbound traffic feeding into the Hammersmith Gyratory. Glenthorne Road forms the northern boundary of the site, it is a one-way eastbound road with wide footways (approximately 3m on both sides). Most of the southern side of Glenthorne Road is designated for on-street parking (with restrictions from Monday to Saturday 8.30am-6.30pm) and for motorcycle parking. It also has a 30m bus stand where stopping at any time is prohibited. Hammersmith Grove forms the eastern boundary of the development site and is a two-way road, becoming one-way only at the very southern end of Hammersmith Grove approximately 30m north of its junction with Beadon Road. The western side of the southern end of Hammersmith Grove is predominantly used for on-street parking (with restrictions from Monday to Saturday 8.30am-6.30pm), and there is a bus stop on the eastern side opposite the site.

## Car Parking

3.60 There are currently 37 car parking spaces serving the existing office building - 28 spaces in a surface level car park and 9 spaces at basement level. In terms of the proposed development, 15 car parking spaces are proposed at basement level accessed by car lift, two of which would be for drivers with disabilities, whilst one parking bay for people with disabilities would be provided within the service area at ground floor level; making a total of 16 parking spaces (a reduction of 21 spaces). All car parking bays would have electric charging points.

3.61 It is noted that TfL have requested that no parking is provided within the development. London Plan standards and policy DM J2 of the Development Management Local Plan allow up to 1 space per 600-1,000 sqm gross floor space. With a proposed floor area of over 24,000 sqm, 24-40 car parking spaces could meet this standard. The parking provision proposed in this development would therefore be well below the maximum parking standards set out in The London Plan and borough

standards and would support a reduction in the potential number of car borne trips arising from the redevelopment. Due to the fact that the development would reduce the number of existing parking spaces, the parking provision is considered to be acceptable in this instance.

3.62 The provision for electric vehicles is compliant with The London Plan which requires 20% active and 10% passive charging points, whereas the development proposes 100% provision. The blue badge parking provision is compliant with the Blue Badge parking standards contained in London Plan (2016). Swept path analysis plans have been submitted for the servicing and parking areas and are satisfactory.

3.63 SPD Transport Policy 11 relates to motorcycle parking and states that 'The council will require motorcycle parking facilities in developments that require a Transport Assessment or where car parking is provided. At least four spaces should be provided'. In line with this policy Highways Officers requested that motorcycle parking be incorporated into the proposal, and revise plans now include 4 motorcycle parking spaces at basement level.

3.64 The development would include two car lifts providing access to the basement car park. The lifts would be set well into the site, where there would be room for cars to wait in the service area should they arrive when the lifts were in use. Given the limited number of parking spaces it is considered that there would not be many occasions where cars would need to queue for a lift, particularly as two lifts would be provided. The use of the lifts is therefore considered not to give rise to concern that cars would queue on the highway. However it is considered necessary that the Applicants submit a scheme for the maintenance and emergency repair of the car lifts to avoid impact from breakdowns (condition No.41).

#### Deliveries, servicing and refuse collection

3.65 SPD Transport Policy 34 seeks off-street servicing for all new developments. This is best achieved by securing a delivery and servicing plan in accordance with Transport for London's Delivery and Service Plan Guidance. It should also address all the other delivery and servicing needs of the development.

3.66 Deliveries and servicing for the proposed development are proposed to take place wholly within the service yard, accessed from Beadon Road. The Applicant has provided a servicing and delivery plan (Appendix A of the TA). It is estimated that a total of 46 trips in and out a day will be generated related to deliveries and servicing, an increase of 32 trips in and out. All servicing is to take place within the enclosed service yard away from the public highway, however. Space has been set out within the service area to accommodate loading, unloading, manoeuvring, service vehicle parking bays and waste storage rooms. The service yard would have one unloading bay for cars/vans and another for vehicles 7.5T box vans. Swept path analysis plans have been submitted and are satisfactory. A management company will manage time slot bookings to ensure that servicing deliveries occur in an orderly fashion. The development would provide two dedicated goods lifts for transporting deliveries between floors.

3.67 After reviewing the servicing and delivery plan, Highways Officers are satisfied that the delivery and servicing operations on the site demonstrate that these activities can be accommodated without detriment to the local highway network. A condition (No.66)

requires the submission of a detailed Delivery and Servicing Plan, in order to ensure the acceptability of the building when in use.

3.68 Refuse stores would be provided at the ground level with access from Beadon Road for the storage and collection of segregated waste. It is intended that refuse would be collected from within the service yard, away from the public highway. A Refuse Management Plan will be required by condition (No12), to ensure accordance with policy DM A9 of the Development Management Local Plan (2013).

### Cycle Parking

3.69 Policy DM J5 and Table 5 of the Development Management Local Plan seek to ensure that satisfactory cycle space is provided for all developments.

3.70 The Council's cycle parking standards say that one space per 50sqm of office space would be required, however policy 6.9 of The London Plan (2016) states that the provision of cycle parking should be no less than 1 space per 90sqm for inner London. As a result the minimum level of long-term secure cycle parking the development should achieve is 268. A total of 325 cycle parking spaces are proposed, comprising 298 long stay spaces in the basement (287 for office workers, 10 spaces for the A1/A2/A3 uses and 1 space for the gallery) and 27 short stay Sheffield Stand cycle parking spaces to be used by customers and visitors, located in the public realm surrounding the development. Whilst this is less than the number required by the Council's standards (2013), the proposed cycle parking is compliant with the more recent London Plan (2016), and the Council's Highways Officers do not object to the level of provision. In this case, given the excellent accessibility to the bus and tube networks, the applicant's Transport Assessment has concluded that employees are most likely to arrive at the site via public transport and Officers consider this a realistic conclusion. The proposed cycle parking is therefore acceptable, however, it would be required as part of the applicant's Travel Plans (which are secured via condition No.60), that the total cycle parking spaces would be monitored and increased in line with future additional parking demand. Access to the basement level parking spaces would be via Beadon Road, aided by a cycle lift between the ground floor and the basement. A goods lift or a wheeling ramp provided on a stairwell would also facilitate cycle access to the basement. Shower, changing and locker facilities are provided at basement level -1, adjacent to the internal cycle parking and in line with London Plan policy 6.9.

3.71 Occupiers and visitors to the site would also have access to nearby docking stations as part of the London Cycle Hire Scheme. The on site cycle parking together with a contribution to the provision of the Mayor's London Cycle Hire Scheme would improve the cycling provision consistent with both London and local plan policies. TfL have requested a contribution of £110,000 towards the provision of a new cycle hire docking station in the area, and this would form part of the proposed S106 agreement. TfL have stated that the most recent (December 2016 to May 2017) usage returns for docking stations in the locality confirm that demand for cycle hire is high. They state that the £110,000 would cover the capital cost and enable them build the station, but they would not be requesting any operational cost to maintain the station after its commission in this instance.

## Trip Generation

3.72 In order to assess the relative traffic impact of the development proposals, the Applicant has estimated the number of trips that would be generated by the proposed development and compared this with that generated by the existing land use, whilst also taking into account the predicted trips of consented developments in the area.

3.73 Since the existing office site is not fully occupied the applicant's Transport Assessment (TA) has used the average of trip rates of four comparable sites within the TRICs database sites for this estimation. This analysis shows the net change of total person trips during AM and PM peak periods for both the existing office building (if fully occupied) and the proposed development. The database analysis confirms that total two-way person trips by all modes of transport will increase by 480 for the AM period versus the existing, with an increase of 493 two-way person trips for the PM period.

3.74 As the vast majority of person trips to the site would be on foot or by public transport (estimated to be over 90% of the total trips), and the number of car parking spaces would be reduced in the proposed development compared to the existing, the net change in two-way vehicle trips would be less significant. Trips by private car are in fact expected to be less as a result of the redevelopment. The change in trips by the various private vehicle modes in the proposed scheme during the AM and PM peaks is anticipated to be as shown below in Table 5-6:

Table 5-6: Net Change in Trips – Proposed Development versus Existing Site

Mode	AM Peak (0800-0900)			PM Peak (1700-1800)			Daily Total (0700-1900)		
	In	Out	2-Way	In	Out	2-Way	In	Out	2-Way
Car Driver	-9	-1	-10	-1	-9	-10	-44	-44	-88
Car Passenger	9	1	10	1	9	10	44	44	88
Bus/Coach	69	5	74	8	68	76	343	343	685
London Underground	205	16	221	24	203	227	1017	1017	2034
National Rail	73	6	79	9	73	81	365	365	730
Taxi	4	0	5	1	4	5	22	22	44
Motorcycle	9	1	10	1	9	10	44	44	88
Pedal Cycle	29	2	31	3	29	32	144	144	287
Walk	51	4	55	6	51	57	254	254	508
Other	4	0	5	1	4	5	22	22	44
<b>Total</b>	<b>445</b>	<b>34</b>	<b>480</b>	<b>52</b>	<b>441</b>	<b>493</b>	<b>2211</b>	<b>2211</b>	<b>4422</b>

3.75 The TA has also taken account of the cumulative impact of additional traffic movements associated with the nearby consented development sites (namely 10-12 Hammersmith Grove; King's Mall; Hammersmith Town Hall). However, as the additional vehicle trips arising from the proposed development at the Triangle site are minimal, it is considered that the development would not have an adverse impact on the highway network, even taken cumulatively with these nearby developments. Officers have assessed the information contained in the TA and consider the figures to be realistic. Having considered the above figures and the net additional trips generated by

the proposed development, Officers accept that these trips would not have a detrimental impact on the road network.

### Impact on Public Transport

3.76 The TA predicts there would be a net increase of 150 two-way bus trips for the AM peak and PM peak periods as result of the proposed development. Bearing in mind the availability of 151 buses per hour within close proximity of the development site, as well as the proximity of the bus station at Hammersmith Broadway with numerous routes, the additional bus trips should have negligible impact on bus services and facilities and infrastructure.

3.77 In the case of the Underground the TA estimates that there would be a net increase of 221 two-way trips in the AM peak and 227 in the PM peak periods. The increase in trips is less than 1% of the underground ratio to flow capacities of all lines based on the submitted study of the demand and capacity figures available. TfL has been consulted on the application and raises no objection to the proposals in terms of public transport capacity.

### Pedestrian impact

3.78 An additional 55 pedestrian two-way trips anticipated in both the AM and PM peak periods, and in addition public transport users would also walk from the stations/bus stops to the site. The Applicant's transport consultants have carried out a Pedestrian Environment Review System (PERS) audit to assess the existing facilities and the likely impact of these additional trips on the pedestrian environment. The PERS audit indicates that the additional pedestrian trips could be accommodated without adversely affecting existing pedestrian facilities, and Officers concur with this assessment.

3.79 TfL have commented that it would be appropriate to seek a contribution by the Applicant towards the Cycle Superhighway 9 (CS9) scheme which is currently out for public consultation, and which proposes improvements to highways in close vicinity of the site. The Council's Highways Officers have confirmed that they are supportive of this approach. The route of CS9 will pass close to the site, and works on Beadon Road and at the southern end of Hammersmith Grove are specified in the proposals out for consultation. The published CS9 consultation plan shows the installation of three signalised crossings at the junction of Hammersmith Grove with Beadon Road, which include a crossing linking the application site with Lyric Square and a crossing linking the site with the eastern side of Hammersmith Grove. These proposals would therefore provide improved pedestrian facilities at the junction of Beadon Road and Hammersmith Grove. This would therefore be directly related and of great benefit to the future occupants of development proposed in this application, and would help to mitigate the road safety impacts of additional pedestrian and vehicular trips generated by this development. As such a contribution towards the CS9 scheme is proposed by the Applicant, and this will be secured by the S106 agreement accompanying any planning permission.

### Travel Plan

3.80 A framework Travel Plan for the site has been submitted alongside the Transport Assessment. A condition (No.60) requires the Applicants to produce final Commercial Travel Plans for the office and also the ground floor commercial and gallery uses which

would be subject to ongoing monitoring and review (for a minimum of 5 years) to encourage users of the site to travel by modes other than the car. It has been noted that different tenants will set out their own targets, and these targets should be updated along with the mode shares before submitting the final travel plans for approval by the Council. It is also noted that within the TA a Travel Plan Coordinator is to be appointed for this site. As the site is in PTAL zone 6b, it is considered that there is capacity within the existing public transport network to accommodate the additional trips proposed from this development. Officers welcome the provision of Travel Plans in support of the proposal to promote sustainable travel for occupiers of the development.

3.81 A Demolition and Construction Workers Travel Plan will also be required and is subject to a separate condition (No.61).

3.82 A Construction Workers Travel Plan will be required. This will also need to be conditioned/in the S106 agreement, monitored and reviewed annually until completion of construction

Awaiting Applicant response

#### Demolition and Construction Logistic Plans

3.83 A framework demolition and construction management and logistics plan was submitted with the application. At this stage of the planning process the information relating to the Construction Management Plan and Construction Logistics Plan has yet to be detailed, and therefore this information needs to be developed. Officers consider this information needs to be improved in compliance with TfL guidelines. The plans will be required to include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the demolition/construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The plans would need to be developed to be in accordance with TfL requirements, which seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These are secured by conditions (Nos.3 and 4). Protection of the nearby London Underground infrastructure would also be secured by condition (No.31).

#### Works to the highway

3.84 It is proposed within the application that the two existing vehicular accesses to the application site from Beadon Road will be consolidated into one access to serve the proposed service yard. In response to a request from Highways Officers the Applicant has provided additional information in the form of visibility splays for the proposed vehicular access, which are considered to be acceptable and would be secured by condition (No.52). The construction of the access and reinstatement of the kerb line along Beadon Road would be completed under a S.278 legal agreement required to be entered into by condition (No.46).

3.85 As noted in the PERS Audit submitted with the TA, the footways surrounding the application site are not in a desirable condition, inconsistent and are likely to be damaged during construction. When re-instating redundant crossovers, the footway should be repaved. These works are also to be completed under the S.278 legal agreement, and would be carried out by the Council at the Applicant's expense. The

footway around the application site along Beadon Road, Hammersmith Grove and Glenthorne Road should be re-paved in accordance LBHF's Streetsmart with a scheme to be submitted to and approved by the Council.

#### Conclusion on highways matters

3.86 There are no objections to the proposal based on highways, traffic or parking. The scheme has been developed in compliance with relevant London Plan and local transport policies. It is considered that the capacity of the existing highway network could sufficiently support the development without further detriment, and that public transport capacity is sufficient to serve the additional trips generated. The proposal is considered not to lead to any detrimental impact on on-street parking given the excellent public transport facilities and the provision of off-street parking within the development.

#### IMPACT ON RESIDENTIAL AMENITY

3.87 Policies DM G1 and DM A9 of the Development Management Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy. Policy 7.6 of The London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. Policy 7.7 states that 'tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference'.

3.88 The site's surrounding neighbours to the east and north are currently in office use, while the development of residential units at Sovereign Court, on the opposite side of Beadon Road, is currently under construction and is nearing completion. In terms of existing residential neighbours, the upper floors of the public house at No.26 Glenthorne Road are in ancillary residential use. The building at 28-36 Glenthorne Road is in hotel use and has recently been redeveloped. The nearest residential dwellings in Overstone Road are approximately 50m away from the north-west corner of the application site, and are east-west orientated (i.e. at a 90 degree angle to the application site).

#### Daylight and sunlight

3.89 The Applicants have submitted a daylight and sunlight assessment, in line with the guidance provided in the Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' (2011).

3.90 The impact of the proposed development on the nearest residential properties, including the development at Sovereign Court, has been considered. The properties considered in the assessment are:

- 26 Glenthorne Road (ancillary accommodation above the public house)
- 38 Glenthorne Road
- Sovereign Court (Lancaster House and Clarence House)



- 28-36 Glenthorne Road have also been assessed, albeit that these premises are in hotel use

3.91 Properties further north in Overstone Road and Southerton Road have not been analysed in the assessment. However, the assessment shows that the nearer Glenthorne Road properties do not experience noticeable reductions in daylight in sunlight, thus it is reasonable to assume that these dwellings, which are further away, would be similarly unaffected in this regard.

3.92 Only residential accommodation has been assessed for daylight/sunlight impacts (and a hotel building as mentioned above). No assessment of the impact on surrounding office/commercial uses has been presented. The BRE guide recommends that only windows and rooms within residential properties need to be assessed, and does not require any assessment on commercial or business properties, although it states that they may also be applied to non-domestic buildings where the occupants have a reasonable expectation of daylight. Taking this advice into account, Officers do consider it unnecessary to assess the non-residential buildings within the vicinity of the site, as offices are routinely lit with electric lights in the daytime given their deep floorplates. Rights to light to the existing neighbouring commercial development would need to be protected in the scheme, but this would be through a process separate from planning.

Daylight (assessment methodology)

3.93 For all properties assessed an analysis of the daylight (vertical sky component (VSC) and no sky line (NSL)) that would reach an affected window. Figures showing the existing situation compared with the effect of the proposed development have been presented.

3.94 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.

3.95 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that a good level of daylight is considered to be 27% VSC. Daylight will be noticeably reduced if after a development the VSC is both less than 27% and less than 80% of its former value.

3.96 The plotting of the NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface.

3.97 The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. If a significant area of the working plane lies beyond the NSL (i.e. it receives no direct sky

light), then the distribution of daylight in the room will be poor and supplementary lighting may be required.

3.98 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. For dwellings this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

3.99 The ADF method uses a mathematical formula which involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and takes into account the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

3.100 When reviewing the daylight results for each property, the methods would normally be considered sequentially; VSC, NSL and then ADF. In the first instance, therefore, the VSC results should be considered.

3.101 If all the windows in a building meet the VSC criteria, it can be concluded that there will be adequate daylight. If the windows in a building do not meet the VSC criteria, the NSL analysis for the room served by that window needs to be considered. If neither the VSC nor NSL criteria are met, the ADF results should be considered.

3.102 The applicants have submitted VSC and NSL assessments for all of the properties mentioned above. The ADF test has only been carried out where the results show a failure of the VSC and NSL standards.

#### Daylight Impact - results

##### Glenthorne Road properties (26-38 Glenthorne Road)

3.103 The results demonstrate that the properties analysed on Glenthorne Road would all maintain good levels of daylight following the proposed redevelopment. No windows within these properties would experience reductions in VSC below the levels identified in the BRE Guidance, i.e. all windows maintain at least 80% of their former VSC value, and therefore any reduction in daylight will not be perceptible. This is also the case with the NSL analysis, and indeed for most of the windows analysed there is virtually no change in the NSL.

3.104 Given that these are the nearest properties north of the proposed development, it is reasonable to conclude that no residential properties to the north would experience any detrimental loss of daylight as a result of the development.

##### Sovereign Court (former site of King's Mall)

3.105 It is important to note that this development is not yet occupied as residential apartments, however it is nearing completion.

3.106 The Applicants have obtained floorplans and elevations of the Sovereign Court development as constructed to produce window maps and to inform an analysis of the room layouts. 342 windows within the development were considered relevant for assessment, the windows facing north east and north onto Beadon Road and Glenthorne Road at 'Lancaster House' and 'Clarence House'.

3.107 The first analysis carried out was simply to compare the existing daylight conditions to these windows with the conditions that would result if the proposed building at the Triangle site were constructed. Of the 342 windows assessed, 146 (42.7%) show full compliance with VSC methodology.

3.108 196 windows therefore show losses in VSC above 20%, serving 128 rooms within Sovereign Court and these also fall short against the NSL methodology. These windows are on the Beadon Road elevation facing towards the proposed Triangle development.

3.109 The Applicants have obtained the floorplans of these rooms as constructed to enable an assessment of ADF to take place. It has been assessed that 65 of the 128 rooms would satisfy the minimum criteria for ADF. Therefore, there are 63 rooms within Sovereign Court which would not meet the. Of these 63 rooms, 20 would be bedrooms and 43 would be living/kitchen/dining in Sovereign Court. The Applicants state that 11 of these L/K/Ds would have an ADF of at least 1.3%, which they consider to be acceptable in the urban context of the site and given the existence of balconies at Sovereign Court which restrict daylight to some of its own windows. The Applicants go on to calculate that if these balconies were to be excluded from the calculations (an approach included in the BRE guidelines), a further 15 L/K/Ds would have an ADF of at least 1.3%.

3.110 The Applicants state that of the remaining 17 L/K/Ds, 14 have restricted access to daylight due to their location in relation to structural features in the elevation of Sovereign Court (such as behind recessed structural balconies), and that excluding these the 3 remaining windows have an ADF of 1.1% or 1.2% which is in excess of the BRE's minimum value of 1% for a habitable room.

3.111 In terms of the 20 bedrooms, 7 would have an ADF value of 0.7% or above, which they consider to be acceptable in the urban context of the site. Of the other 13 bedrooms, if the balconies at Sovereign Court are removed from the calculations then 7 of these would have an ADF of at least 1%, and 2 would have an ADF of at least 0.7%. This leaves 4 bedrooms which would have restricted access to daylight due to their location in relation to structural features in the elevation of Sovereign Court (such as their location behind recessed balconies).

3.112 Whilst it is considered, by comparison, that the proposed scheme will reduce availability of daylight to neighbouring properties at Sovereign Court, it is acknowledged that any redevelopment of the application site is likely to result in a larger building than that on site at present. The site is now surrounded to both the east and west with very large buildings of similar heights to the current proposal. The comparison is magnified because there is an open car parking area within the site fronting Beadon Road. It is unusual for a town centre site to contain a substantial area of unbuilt land, and the absence of any building on this part of the site at present means that any comparison between the existing and proposed situation is likely to produce exaggerated results. Similarly, Officers note that Sovereign Court has been constructed up to the back edge

of the footpath on Beadon Road, with many north facing habitable room windows in a tall elevation containing balconies, which further restrict the access of daylight and impact on the technical assessment.

3.113 The Applicant refers to the fact that the BRE Guidance accepts, in an urban situation, that a 'mirror' approach to an existing building may be used as the baseline condition for assessing future daylight impacts, instead of an existing underdeveloped site. The guidance states:

'In cases where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light...the VSC targets could be set to those for a 'mirror image' building of the same height and size, an equal distance away on the other side of the boundary'.

3.114 The Applicants have therefore also modelled a 'mirror' development to Sovereign Court on the Triangle site, although in their model they have taken the 'mirror' to be the existing development plus an additional 20% impact in line with the BRE's general method for calculating acceptable levels of harm. Officers do not give significant weight to the results submitted in relation to the impact of a mirror development. However, given the size and positioning of the Sovereign Court development, it may be appropriate to consider that a large building which mirrors that of Sovereign Court may be acceptable in principle.

3.115 Although the proposal would result in reduction of light reaching some windows in Sovereign Court, there are improvements to the levels of light reaching other windows that would have been impacted by the appeal scheme. In particular, the setting back of the southern end of the building by 4.5m restores light levels for the southern units of Sovereign Court.

3.116 On balance, Officers recognise that an impact on daylight does remain, but that this is to be expected in the context of this cluster of large town centre buildings. While the degree of concern over daylight levels from the appeal scheme has not been entirely overcome, Officers are of the view that the current proposal represents a better response to the site's context and constraints.

3.117 As such it is considered that, on balance, the scheme complies with the aims of with DMLP policies DM A9 and DM G1.

## Sunlight

3.118 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main windows to dwellings should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun.

3.119 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

3.120 Where a window does not meet the first criteria, retaining at least 25% total APSH with 5% in the winter months but the percentage reduction is less than 20% it will experience a negligible impact, as the area receiving reduced levels of sunlight is comparatively small when considering the baseline sunlight levels.

Glenthorne Road properties (26-38 Glenthorne Road) and properties to the north

3.121 All south-facing windows have been analysed. None of the habitable rooms in these properties would experience more than a 20% loss in APSH and all properties would therefore be fully compliant with the relevant guidance.

Sovereign Court

3.122 Most windows within Sovereign Court which could be affected by the proposed development face in a northerly direction, so are not relevant for assessment. Some units have southeast and northwest facing secondary windows giving an aspect in another direction, however, the amount of sunlight that could be received by these rooms would be limited in the existing situation, given the obstruction of the building lines on either side of the windows. It is therefore considered that the amount of sunlight to these already north-facing units would not be further restricted by the proposed development.

Outlook

3.123 SPD Housing Policy 8 states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook:

'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. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties'.

3.124 The distance and orientation of the nearest residential neighbours, and the fact that the development would be surrounded on two sides by existing commercial buildings, makes the above assessment for outlook irrelevant in this case. The upper floors of the development may be visible from some gardens and (at a very oblique angle) windows of residential properties in Overstone Road, Hammersmith Grove and Southerton Road, but the distance of the building from these properties would mean there would not be an overbearing impact on these properties, which could not be said to experience loss of outlook.

3.125 There would of course be a far greater impact on the Sovereign Court flats compared to the existing situation, albeit that even if the Triangle site remained undeveloped, these flats would still face towards a relatively large building. In this urban context, it is considered not unreasonable for the flats facing towards a busy main road to face on to development of a similar height directly opposite. The impact on outlook would be reduced somewhat due to the design of the proposed building, which steps back from the street frontage opposite the proposed Sovereign Court development. Officers consider that the impact on outlook would not be unacceptable.

## Privacy

3.126 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.

3.127 The only windows/terraces which would be within 18m of residential windows would be those facing Sovereign Court (when this development is complete). The lower floors of the proposed building at the Triangle site are approximately 17m away from the front elevation of the Sovereign Court development. However, Officers consider that this would not be an atypical separation distance to maintain between buildings facing one another across a main road. Flats within this part of Sovereign Court would be purchased in the knowledge that they face on to a public realm and a busy town centre street, which would have a lesser degree of privacy. Also, the proposed windows facing Sovereign Court would serve an office use rather than another residential use, and would thus be potentially less intrusive in terms of privacy/overlooking. In this respect it is considered that the windows and terraces at the proposed development would not have an unreasonable impact on privacy to neighbouring properties.

## Noise and disturbance

3.128 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening or internal layout, and promoting new technologies and improved practices to prevent noise. Policy CC4 of the Core Strategy advises that the Council would seek to minimise the impact of noise by managing the development and distribution of noise sensitive development in the borough. Policy DM G1 sets out that new development should respect the principles of good neighbourliness. Development Management Local Plan policies DM H9 and DM 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. Policy DM H10 relates to light pollution. SPD Amenity Policy 25 states that outdoor uses will need to be assessed in regard to the frequency and times of use, and the noise level likely to be emitted from activities. SPD Amenity Policy 18 refers to noise and vibration and requires a survey and report for residential developments proposed near existing noise sources, and for developments that have the potential to increase existing noise or vibration levels. SPD Amenity Policy 24 also sets out the need to protect residential and other noise sensitive amenity.

3.129 The site is located in the town centre, close to busy main roads, exposed underground rail lines and commercial activity, and is thus in an area with a high level of background noise. The site itself already provides a significant office building, however, the redevelopment would provide almost 15,000 sqm of additional office space with the resulting increase in staff, as well as new plant. Large areas of roof would also become external amenity space for office workers.

3.130 A Noise Control Strategy has been submitted with the application. This has undertaken a noise assessment of the existing background noise, which at the time of recording were affected by construction noise. The report contains an outline of measures which could be adopted to control noise from new plant in particular, and concludes that noise from new mechanical plant is capable of achieving compliance

with the Council's noise standards (i.e. ensuring that the noise is at least 10dB below background noise). Conditions are suggested to ensure that all mechanical plant is adequately sound insulated and fitted with anti-vibration devices, to ensure that plant complies with these noise standards in the daytime and at night (condition Nos.13 and 35).

3.131 In terms of other sources of noise, servicing and deliveries would take place from the off-street service area at ground floor level which would be enclosed beneath the upper floors of the building in comparison with the existing open service and parking area. Significant noise from this enclosed area is thus expected to be minimised. As outlined in the Highways section above, the development is expected to involve an increase of 32 delivery and servicing vehicle trips in and out of the site a day. A Delivery and Service Management Plan (condition No.66) would ensure that the times for servicing and deliveries are restricted to reasonable daytime hours. Due to the proposed servicing within the building and the suggested condition it is expected that there would not be significant further noise disturbance associated with servicing and deliveries to the proposed development.

3.132 Large roof terraces are proposed at 5th, 7th and 11th floors, which would be close to the proposed residential properties at Sovereign Court (approximately 17m at the closest points). These would also run around the northern elevation of the building, although the separation to residential properties to the north is much greater (30-50m distance and also at a greater height than the two-three storey residential properties to the north). If the building was proposed to be in residential use, Officers would have serious concerns about the potential for noise from the use of these roof terraces. As an office building, however, it is considered that the terraces would be used predominantly in the daytime, and would be likely to attract individual office workers or small groups instead of large gatherings of people causing significant noise. A condition (No.18) will ensure that the use of the terraces is restricted to certain hours, and that no loudspeaker announcements or amplified music are played outside. For these reasons, no objection is raised to the presence of the roof terraces in this proposal.

3.133 It is also acknowledged that eating/drinking establishments can often have potential for noise and disturbance, especially where they are sizeable and have external seating areas. An area for external public seating in association with the commercial (potential café/restaurant) use on the ground floor is indicatively proposed on the drawings. Conditions (Nos.36 and 37) would restrict the hours of use of the tables and chairs, requiring them to be removed in the evenings, and also restrictions on the hours of opening of the commercial uses (e.g. midnight would be consistent with other town centre uses). In the daytime, though, it is considered that noise from the use of the commercial unit and any external seating areas in the indicated location would be absorbed within the background noise levels of this busy town centre location.

#### Construction works

3.134 The disruption of construction works and the noise and disturbance to nearby residents and businesses is acknowledged to be a key local concern, particularly given the number of other large construction sites in the near vicinity. Whilst it would be unreasonable to refuse planning permission for a development scheme based on the temporary impact of construction works, the Council will take steps to ensure that disruption and noise/disturbance are minimised as far as possible. A demolition and construction logistics plan, a demolition and construction management plan, and an Air

Quality Dust Management Plan are required to be submitted and agreed as part of planning conditions (3, 4 and 65) for planning approval, and these documents would be required to take into account the impacts and logistics of any existing nearby construction sites. The developer has indicated that they would require their contractors to adhere to the Considerate Constructors Scheme.

#### Light pollution

3.135 The redevelopment would result in a greater number and larger windows within the scheme compared to the existing, and the building would be taller. As the proposed building would be in office use on the upper floors, however, it is considered that measures should be put in place to mitigate against any unacceptable increase in light pollution, which can include switching off lights at night. A scheme addressing the mitigation of light pollution is subject to a condition (No.38) in order to mitigate light spillage from all floor levels of the proposed building towards neighbouring residential properties, including and a scheme for the control of the operation of internal lighting (during periods of limited or non-occupation). As such it is recommended that no objections are raised in this regard.

3.136 For the reasons given above, it is considered that the development, subject to suitably worded conditions, would not give rise to unacceptable harm from noise and disturbance to neighbouring occupiers and that the proposal therefore complies in these respects with the relevant sections of policies DM G1, DM H9, DM H10 and DM H11 of the Development Management Local Plan, London Plan 7.15, Core Strategy Policy CC4, and SPD Amenity policies 18, 24 and 25.

### SUSTAINABILITY

#### Carbon reduction

3.137 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.

3.138 An Energy Strategy has been submitted with the application. This outlines the energy efficiency and low/zero carbon measures to be implemented as part of the redevelopment of the site in order to reduce energy use and minimise CO2 emissions. A range of energy efficiency measures are planned including high levels of insulation, improved air permeability performance, efficient plant and equipment such as heating systems, energy efficient lighting including controls such as daylight sensors to minimise lighting use in communal areas and use of heat recovery on the ventilation system.

3.139 In line with the Mayor of London's energy hierarchy the feasibility of using decentralised energy on site has been assessed. The use of a Combined Heat and Power system has been considered but is not proposed as it is considered not to be an efficient system for the site which has relatively low heat demands. However, the



development would be provided with a means to connect to a future heating network should this become possible in the future.

3.140 In terms of renewable energy generation, solar PV panels are to be installed on the roof, which will further reduce CO2 emissions. Overall, then, the proposed measures and PV are calculated to reduce associated CO2 emissions by 31% compared to the 2013 Building Regulations. This falls short of the required 35% improvement. The developer proposes to make up the shortfall with a payment in lieu. Therefore a payment of an estimated £46,800 to the Council would be required and will be incorporated into the S106 agreement. The funds will be used by the Council to implement low carbon measures in the borough to offset the required amount of CO2. A condition (No.22) requires the submission of a revised Energy Strategy to ensure that this reflects the detailed design of the building as it proceeds.

### Sustainable Design & Construction

3.141 A Sustainability Statement has been submitted with the planning application which outlines the sustainable design and construction measures to be integrated on the site. In addition to the carbon reduction measures outlined in the Energy Strategy, a range of other sustainability measures are planned such as water efficiency measures to reduce water use, use of building materials with low environmental impacts where possible and sustainable timber products, sustainable waste practices and recycling will be promoted by providing separate waste storage facilities, green roofs are planned which will help improve biodiversity on the site and the development will be constructed in line with the requirements of the Considerate Constructors Scheme which will help minimise environmental impacts of the construction phase. The Statement confirms that the proposed development is targeting a BREEAM 'Very Good' rating with the aspiration to achieve 'Excellent'. This meets the Council's policies on sustainable design and construction. A condition (No.23) requires the submission of a revised Sustainability Statement to ensure that this reflects the detailed design of the building as it proceeds. This also requires the implementation of the measures as approved and the submission of the post construction BREEAM assessment.

### Flood Risk

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

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

3.145 Policy CC1 of the Core Strategy requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. This is supported by Policy DM H3 of the DMLP 2013.

3.146 The site is in the EA's Flood Zone 3 and a Flood Risk Assessment (FRA) has been submitted as required. The proposals include a basement, although this would be primarily used for the gym, plant, cycle parking and storage.

3.147 The site is protected by flood defences such as local river walls and the Thames Barrier. If the flood defences failed, the site is not expected to be affected by rapid inundation of flood waters. The site is in an area where there could be increased potential for elevated groundwater. In terms of surface water flooding, the Council's Surface Water Management Plan does not identify the site as being in a flooding hotspot, although flood water could pond in the highways around the site in the event of an intense storm.

3.148 Finished floor levels are set at a level above the level expected to be impacted. The FRA recommends 'appropriate drainage' measures to be integrated suggesting localised drainage channels and raised pedestrian crossing at the service yard entrance to act as a barrier adjacent to Beadon Road. These measures would help protect against possible surface water flooding on the site and are to be considered at detailed design stage.

3.149 Given the potential for sewer flooding and the fact that there are two basement levels where there will be water using facilities, non-return valves should be installed (condition No.30). The FRA includes some information on basement construction as it seems very likely that the basement will be deep enough to intercept perched groundwater in the gravel layer below the site. The FRA states that it is expected that any perched groundwater would be able to flow around the new double basement and there would not be any significant changes to level or flows. The Applicant has stated that the basement will be constructed using either sheet piling or secant piling works in conjunction with an internal reinforced concrete retaining wall. Waterproofing shall be provided via a combination of a proprietary waterproof tanking membrane and waterproof concrete to form two lines of defence to water egress. The groundwater flood risk is considered to be low and the proposed basement construction methods will manage and minimise flood risks. A condition (No.30) requires that the development is implemented in accordance with the flood mitigation measures set out in the submitted Flood Risk Assessment along with supplementary information provided since the submission of the application. In line with the Applicant's proposals, a further condition (No.20) requires the submission of details of access to an area of refuge at first floor level or above from lower floors of the building, in order to ensure a safe refuge within the building from the lower floors in the event of flooding at ground floor level or below.

3.150 The Flood Risk Assessment includes a Drainage Strategy. This states that the aim is to limit final discharge of surface water from the site to a rate that is equivalent to three times the greenfield rate. The proposal is to direct surface water run-off into an underground attenuation tank for controlled release into Thames Water's combined sewer system. In addition other SuDS measures will be assessed at the detailed design stage, including soft landscaping, rainwater harvesting and a living roof.

3.151 The proposal would exceed the Council's Development Plan requirements which sets a minimum surface water attenuation improvement of 50%. The final level of attenuation would be established when the detailed design of the system is finalised. Details of the maintenance of the SuDS, including frequency of inspections and works if required, who will be carrying out the maintenance, how details of maintenance work

will be recorded and stored for possible future inspection by the Council will all also be required by condition (No.19).

3.152 Thames Water has no objections to the application regarding water or sewerage infrastructure. They have recommended a condition (No.21) relating to a piling method statement to prevent and minimise damage to subsurface sewerage and infrastructure.

3.153 Subject to the conditions recommended above no objection would be raised under policy DM H3 or London Plan policy 5.13 on sustainable drainage or flooding grounds.

#### Contamination

3.154 Policy 5.21 of the London Plan, Core Strategy Policy CC4 and policies DM H7 and DM H11 of the DMLP state that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14 and 15 relate to contamination. SPD Amenity Policy 16 sets out the common submission requirements for planning conditions relating to contamination and SPD Amenity Policy 17 deals with sustainable remediation.

3.155 A Preliminary Environmental Risk Assessment has been submitted as part of this application. Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. A more detailed site investigation scheme together with a risk assessment, remediation and long term monitoring would all need to be carried out during and following any redevelopment works to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Conditions (Nos.24-29) to this effect are proposed, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

#### Air Quality

3.156 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants, Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.157 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 DMLP requires an air quality assessment and mitigation measures where appropriate. This is supported by SPD Amenity Policies 20 and 21.

3.158 An Air Quality Assessment has been submitted with the application. This assesses the development's potential impacts on local air quality and also considers the issue of exposure to pollution for businesses and residents. The assessment takes account of the potential temporary impacts during the demolition and construction phase and the operational impacts caused by increase in traffic flows and emissions

from the plant on the site. The air quality assessment indicates that the general sources of air pollution (construction activities, road traffic and space heating) emission arising from the proposed development would be during the construction phases and on completion of the development the assessment predicts the development to have an insignificant effect on air quality, and that the development would be 'air quality neutral'. Overall in terms of air quality, Officers consider that the development could meet policy requirements. Further details are required by condition to ensure acceptable implementation of the development in this regard, including an Air Quality Dust Management Plan (condition No.65), details of Ultra Low Nox Gas fired boilers (condition No.64) and the submission of a Low Emission Strategy (condition No.62).

## Wind

3.159 Regard has been given to Policy 7.6 of The London Plan. The likely effects of the development on the site and local wind environment have been assessed in a Wind Desktop Assessment submitted by the Applicant. A qualitative assessment has been undertaken, using modelling of the existing and proposed site and meteorological data. Wind environment is defined as the wind flow experienced by people and the subsequent influence it has on their activities. It is concerned primarily with wind characteristics at pedestrian level. The assessment is based on the height and massing of the proposal and has considered the cumulative effect of some other developments. The effects of the proposed development were assessed against the existing scenario.

3.160 The results of the assessment for pedestrian safety and pedestrian comfort of the existing site and its immediate surroundings indicate that the effect on wind conditions is likely to be negligible in most cases, but there are some instances where conditions would sometimes feel windier, particularly to the south western corner of the site. These instances are likely to be infrequent, but a quantitative assessment is recommended to fully understand these impacts, and mitigation measures may be required as a result of further assessment. Further assessment is therefore required by condition (No.44), including the design of any such mitigation measures.

## Community Infrastructure Levy

3.161 This development would be subject to a London wide community infrastructure levy. The Mayor's 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. This contributes towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3 and is chargeable in this case at £50 per sq.m uplift in floorspace (GIA).

3.162 It is estimated that the proposed development would generate a Mayoral CIL contribution of approximately £1,226,273.09.

3.163 Additionally, the Council collecting its own CIL, and this development would be liable, charged at £80 per sqm of uplifted floorspace in office and retail use. The estimated charge would be £1,682,824.00.

## Planning obligations

3.164 London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.165 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.

3.166 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):

- A contribution towards the Mayor of London's cycle hire scheme.
- A contribution towards the proposed Cycle Superhighway 9 scheme at the junction of Hammersmith Grove and Beadon Road.
- A contribution towards the additional maintenance of street trees in Hammersmith Grove and Beadon Road.
- A contribution for planting two new street trees in Hammersmith Grove.
- Support for employment and training.
- Payments at years 1, 3 and 5 to fund the review of the development's travel plans (as required to be submitted by condition No.60).
- A carbon off-set payment of £46,800 (or a different figure in line with the revised Energy Strategy to be submitted in accordance with condition No.22).
- The provision and management of a publicly accessible gallery to be provided on site.

## 4.0 CONCLUSION and RECOMMENDATION

4.1 Officers consider that the proposed redevelopment of this prominent town centre site would bring regeneration benefits and provide high quality office space which would fit well with the regeneration of this area and would significantly increase the employment capacity of this site. This new scheme would bring significant benefits over the appeal scheme. These include the setback building line on Hammersmith Grove and also at its southern end which address the bulk and impact of the building and would allow the retention of mature street trees adjacent to the site. The revised scheme would also facilitate improved areas of public realm around the building, particularly at the southern end, and the setback at this end would also improve access of daylight to some units at Sovereign Court opposite. Whilst it is acknowledged that the development would still impact upon daylight to other parts of Sovereign Court, it is considered that on balance this could be acceptable given the site's immediate urban context which has seen other large redevelopments on adjacent sites constructed in recent years.

4.2 The office and related uses support the Council's policies for town centres, and the impacts on traffic and energy sustainability are considered to be acceptable. The use of the site primarily as high quality offices is acceptable in the context of the existing use of the site and the its location in Hammersmith Town Centre with excellent public transport

facilities. The proposed development would achieve a sustainable development, whilst optimising the use of previously developed land. The proposal would be of a high standard of design. It is considered that the building would enhance the appearance of the area and have an acceptable impact upon nearby conservation areas. The proposed loss of a Building of Merit is considered to be justified in this instance.

4.3 There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. Off-street parking and servicing would be provided and the development is considered not to have the potential for contributing significantly towards pressure on on-street parking due to the high accessibility to public transport, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan. Improvements would be made to the highway at the development site as part of the proposal. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided.

4.4 The development would provide level access, lifts to all levels, suitable circulation space and dedicated parking spaces for wheelchair users.

4.5 The application proposes a number of measures to reduce CO<sub>2</sub>. The proposal would seek to achieve a 'very good' BREEAM rating and the implementation of sustainable design and construction measures would be a condition of the approval. A Sustainable Drainage Strategy would be required by condition.

4.6 The impact of the proposed development upon neighbouring occupiers is considered to be acceptable. Measures would be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed development.

4.7 The application is therefore recommended for approval, subject to conditions, the completion of a legal agreement and no contrary direction from the Mayor of London.