

# PLANNING APPLICATIONS COMMITTEE

## — Agenda —

WEDNESDAY 13 MAY 2009

7PM  
COMMITTEE ROOM 1  
HAMMERSMITH TOWN HALL,  
KING STREET, W6 9JU

### MEMBERSHIP

Administration	Opposition
Councillor Alex Chalk (Chairman) Councillor Victoria Brocklebank-Fowler (Vice-Chairman) Councillor Lucy Ivimy Councillor Andrew Johnson Councillor Alex Karmel Councillor Ali de Lisle Councillor Minnie Scott Russell	Councillor Colin Aherne Councillor Michael Cartwright Councillor Wesley Harcourt

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[http://www.lbhf.gov.uk/Directory/Council\\_and\\_Democracy/Decisions\\_meetings\\_and\\_agendas/Other\\_Committees/27727\\_Planning\\_Applications\\_Committee.asp](http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Decisions_meetings_and_agendas/Other_Committees/27727_Planning_Applications_Committee.asp)

**Members of the public are welcome to attend. A loop system for hearing impairment is provided, along with disabled access to the building.**

**For queries concerning a specific planning application, please call the case officer.**

Date Issued: 1 May 2009



# PLANNING APPLICATIONS COMMITTEE

WEDNESDAY 13 MAY 2009

## — Agenda —

ITEM	PAGE
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<b>1. MINUTES OF THE MEETING HELD ON 15 APRIL 2009</b>	<b>3</b>
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To agree and sign the above minutes as an accurate record.

<b>2. APOLOGIES FOR ABSENCE</b>	
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<b>3. DECLARATIONS OF INTEREST</b>	
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If a Councillor has any prejudicial or personal interest in a particular item they should declare the existence and nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.

At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken unless a dispensation has been obtained from the Standards Committee.

Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration unless the disability has been removed by the Standards Committee.

<b>4. PLANNING APPLICATIONS</b>	<b>19</b>
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## PLANNING APPLICATIONS COMMITTEE

# —Minutes—

15 APRIL 2009

### PRESENT

Councillor Alex Chalk (Chairman)  
Councillor Lucy Ivimy (Vice-Chairman for the meeting)  
Councillor Andrew Johnson  
Councillor Alex Karmel  
Councillor Ali de Lisle  
Councillor Colin Aherne  
Councillor Michael Cartwright  
Councillor Wesley Harcourt

### IN ATTENDANCE

Councillor Paul Bristow  
Councillor Stephen Cowan

### 1 ELECTION OF VICE-CHAIRMAN FOR THE MEETING

In the absence of the Vice-Chairman, it was unanimously agreed that Councillor Lucy Ivimy would be Vice-Chairman for the meeting.

### 2 MINUTES OF THE MEETING HELD ON 25 MARCH 2009

#### RESOLVED-

That the minutes of the meeting held on 25 March 2009 be approved as a correct record, subject to the following amendments:

- (1) Minute Number 4.2 – the following sentence be included “The Committee disregarded the observations made by Councillor White.”; and
- (2) Minute Number 4.7 – the first sentence be replaced with the following words “Councillor Aherne moved that the application be deferred pending advice from the Director of Finance”.

### 3 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Victoria Brocklebank-Fowler and Councillor Minnie Scott Russell.

#### 4 DECLARATIONS OF INTEREST

The following interest was declared:

Application	Declaration
Advertising Hoarding South Of Talgarth Road Hammersmith Broadway 2009/00064/ADV	Councillor Ivimy declared a personal interest as she was a Cabinet Member, withdrew from the room and took no part in the vote.

#### 5 DECISION TO RE-ORDER AGENDA

In view of members of the public present for particular applications the Chairman proposed that the agenda be re-ordered, with which the Committee agreed, and the minutes reflect the order of the meeting.

#### 6 PLANNING APPLICATIONS

##### 6.1 31 - 32 Irene Road, SW6 4AP

Parsons Green and Walham 2008/03662/FUL and 2008/03663/CAC

The above two applications were considered together.

Please see the Addendum attached to the minutes for further details.

The Committee were informed that, following concerns received in a letter from a neighbour, the applicant had submitted revised plans for the proposal. The Committee agreed to accept the revised plans for the application to be considered.

The Committee voted on planning applications 2008/03662/FUL and 2008/03663/CAC, and the result was as follows:

For: 7  
Against: 1

#### RESOLVED:-

- (1) That planning application 2008/03662/FUL be approved, subject to the following:
  - (a) an additional condition be included to give officers delegated authority to grant permission upon the receipt of a satisfactory revised elevation plan, which took into account the revised plans;
  - (b) condition 7 be amended to also give officers delegated authority to grant permission upon the receipt of further information on how the gates would be managed, to address any noise disturbance;
  - (c) an additional condition be included to give officers delegated authority to grant permission upon the receipt of confirmation from the Environment Agency that it was satisfied with the additional information it had requested on the flood risk assessment on the application relating to drainage on the site; and
  - (d) the conditions set out in the report and information contained in the Addendum; and
- (2) That application 2008/03663/CAC be approved, subject to the conditions set out in

the report and information contained in the Addendum.

**6.2 168 - 186 Fulham Palace Road, W6 9PA**  
Fulham Reach 2008/03795/FUL

Please see the Addendum attached to the minutes for further details.

The Committee heard representations against the application from Councillor Paul Bristow, Ward Councillor for Fulham Reach.

The Committee voted on planning application 2008/03795/FUL, and the result was as follows:

Against: unanimous (Councillors Chalk, Ivimy, Johnson, Karmel, de Lisle, Aherne, Cartwright and Harcourt)  
(The Committee requested that their names be recorded against their vote).

**RESOLVED:-**

That planning application 2008/03795/FUL be refused due the inappropriate quantity of units under EN8b of the Unitary Development Plan, as amended 2007, and due to the proposed development being too dense.

**6.3 Hammersmith Hospital, Du Cane Road, W12 0HS**  
College Park and Old Oak 2009/00321/OUT

Please see the Addendum attached to the minutes for further details.

**RESOLVED:-**

That the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement; subject to the following:

- (1) there being no contrary direction from the Mayor for London; and
- (2) the conditions set out in the report and the information contained in the Addendum.

**6.4 430 - 432 Uxbridge Road, W12 0NR**  
Wormholt and White City 2008/03743/FUL

Please see the Addendum attached to the minutes for further details.

The Committee voted on planning application 2008/03743/FUL, and the result was as follows:

For: 6  
Against: 1  
Abstain: 1

**RESOLVED:-**

That planning application 2008/03743/FUL be approved, subject to the conditions set out in the report and information contained in the Addendum.

- 6.5 **Daley House, King House, O'Driscoll House, Grey Turner House and Weedon House, Du Cane Road, W12**  
College Park and Old Oak 2009/00006/FUL

Please see the Addendum attached to the minutes for further details.

**RESOLVED:-**

That the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions set out in the report and the information contained in the Addendum.

- 6.6 **233 - 245 Dawes Road, SW6 7RD**  
Munster 2008/03195/FUL

Please see the Addendum attached to the minutes for further details.

The Committee was informed that the plan contained in the report was inaccurate as it only showed half of the site.

**RESOLVED:-**

That planning application 2008/03195/FUL be deferred in order to receive further details on the proposal, in particular to see plans on the cross section of the proposal in relation to the neighbouring properties at the rear of the site in order to address the likelihood of harm.

- 6.7 **Advertising Hoarding South Of Talgarth Road**  
Hammersmith Broadway 2009/00064/ADV

Please see the Addendum attached to the minutes for further details.

The Committee heard representations against the application from Councillor Stephen Cowan, Ward Councillor for Hammersmith Broadway.

The Committee adjourned for five minutes in order that a letter from Transport for London regarding the proposal could be copied and circulated to Members of the Committee for consideration.

The Chairman informed the Committee that he had spoken to the legal advisor in respect of the application being submitted by the Council and whether he had any interest to declare. He was satisfied that he did not have an interest to declare. Councillor Ivimy requested that the Committee adjourned for a further five minutes in order for her to seek legal advice upon this issue as she was a Cabinet Member. Following receipt of this advice, Councillor Ivimy declared a personal interest in the application as she was a Cabinet Member, and withdrew from the meeting and took no part in the vote.

Councillor Cartwright moved, and was seconded by Councillor Aherne, to defer the application in order to seek confirmation from English Heritage that it did not object to the proposal, and to seek confirmation from Transport for London on the contents of its

letter.

The Committee voted on deferring application 2009/00064/ADV, and the result was as follows:

For: 3  
Against: 4

The application was therefore not deferred. The Committee then voted on application 2009/00064/ADV, and the result was as follows:

For: 4  
Against: 3 (Councillors Aherne, Cartwright and Harcourt).

(Councillors Aherne, Cartwright and Harcourt requested that their names be recorded against their vote)

**RESOLVED:-**

That application 2009/00064/ADV be approved, subject to the conditions set out in the report and information contained in the Addendum.

**6.8 21 Lillie Road, SW6 1UE**  
Fulham Broadway 2008/03360/FUL

Please see the Addendum attached to the minutes for further details.

The Committee was informed that Condition 9 in the report was the correct version, not the amended wording as contained in the Addendum.

**RESOLVED:-**

That the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the following:

- (1) an additional condition be included to address the usage of the rear yard and for noise insulation in the building to prevent noise disturbance in an residential area; and
- (2) the conditions set out in the report and the information contained in the Addendum.

**6.9 Greenside Primary School, Westville Road, W12 9PT**  
Askew 2008/02463/FUL and 2008/02464/LBC

The above two planning applications were considered together.

Please see the Addendum attached to the minutes for further details.

**RESOLVED:-**

That planning applications 2008/02463/FUL and 2008/02464/LBC be approved, subject to there being no contrary direction from the Secretary of State and subject to the conditions set out in the report and information contained in the Addendum.

6.10 **84 Shepherd's Bush Road, W6 7PD**

Addison 2008/03759/FUL

The Committee voted on planning application 2008/03759/FUL, and the result was as follows:

For: 3

Against: 4

Abstain: 1

**RESOLVED:-**

That planning application 2008/03759/FUL be refused due to the breach of the shopping policy quota, the adverse impact on local shopping, and the breach of standards for the lack of cycle parking facilities.

6.11 **White City Development Site, Ariel Way**

Shepherd's Bush Green 2008/02582/FUL

and

**25 - 31 Shepherd's Bush Place, W12 8LX**

Shepherd's Bush Green 2008/02585/FUL

The above two planning applications were considered together.

Please see the Addendum attached to the minutes for further details.

The Committee voted on planning applications 2008/02582/FUL and 2008/02585/FUL, and the result was as follows:

For: 7

Against: 0

Abstain: 1

**RESOLVED:-**

That the Director of the Environment Department be authorised to determine the applications and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions set out in the report and the information contained in the Addendum.

6.12 **351 - 353 New King's Road, SW6 4RJ**

Town 2008/02705/FUL and 2008/03011/CAC

The above two applications were considered together.

Please see the Addendum attached to the minutes for further details.

**RESOLVED:-**

(1) that the Director of the Environment Department be authorised to determine planning application 2008/02705/FUL and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions set out in the report and the information contained in the Addendum; and



(2) that application 2008/03011/CAC be approved, subject to the conditions set out in the report and information contained in the Addendum.

Meeting began: 7pm  
Meeting ended: 9.57pm

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**CHAIRMAN**

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**PLANNING APPLICATIONS COMMITTEE 15 APRIL 2009  
ADDENDUM**

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/02463/FUL	Greenside Primary School, W12	Askew	11
Page 12	Add following condition: The development hereby permitted shall not commence until a method statement for the demolition and construction has been submitted to and approved in writing by the Council. Details shall include control measures for dust, noise and vibration, including working hours. The approved details shall be implemented throughout the project period, unless subsequently otherwise approved in writing by the Council.  To ensure that the amenity of occupiers of surrounding premises are not adversely affected by dust from the building site, in accordance with Policies EN20A, EN20B, EN20C and EN21 of the Unitary Development Plan, as amended 2007.		

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/02464/LBC	Greenside Primary School, W12	Askew	17
Page 19	Comments from:  Delete "Hammersmith and Fulham Historic Buildings Group" and replace with "Historic Buildings and Conservation Committee".		

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/03743/FUL	430-432 Uxbridge Road, W12	Wormholt and White City	25
Page 26	Under Drg Nos: Replace "103B" with "103C"		
Page 30	Delete condition 23 and replace with the following:  'The development shall not commence until details have been submitted to and approved in writing by the Council of the noise and vibration levels of proposed commercial noise sources and building services plant including appropriate noise mitigation measures to ensure that the external noise level is at least 10dBA Leq below background LA90, as measured according to BS4142:1997 and 'Good' internal room and external amenity noise standards will be achieved in accordance with BS 8233:1999.  In order that any machinery and equipment used in connection with the permitted use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20B and EN21 of the Unitary Development Plan, as amended 2007'.		

Delete Condition 24 and replace with the following:

'Deliveries or collections / loading or unloading shall not occur during the hours of 21:00 hours and 07:00 hours Mondays to Fridays and 21:00 hours and 08:00 hours on Saturdays, Sundays, and Public Holidays.'

In order to ensure that noise and other disturbance caused by deliveries does not cause harm to surrounding residents, in accordance with Policy EN21 of the Unitary Development Plan as amended 2007.'

Delete condition 25 and replace with the following:

'The development hereby permitted shall not commence until a method statement for the demolition has been submitted to and approved in writing by the Council. Details shall include control measures for dust, noise and vibration, including working hours and details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties. The approved details shall be implemented throughout the project period, unless subsequently otherwise approved in writing by the Council.

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policies EN19A and EN21 and of the Unitary Development Plan, as amended 2007.'

Add the following condition:

'The development hereby approved shall not commence until details of the sound insulation of the floor /ceiling /walls separating the commercial part of the premises from dwellings have been submitted to and approved in writing by the Council. Details shall ensure that the  $D_{nT,w}+C_{tr}$  noise level difference and sound insulation of floor/ ceiling/ walls and any other mitigation measures are sufficiently enhanced in order that the 'Good' standards specified in BS 8233:1999 are achieved within noise sensitive premises within the development site and their external amenity areas. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

To ensure that the occupants of the residential units hereby approved are not unduly affected by noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

Add the following informative:

'Construction and demolition works and associated activities, audible beyond the boundary of the site shall only be carried out between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public Holidays'

Under consultation comments, add:

Late letter: The Hammersmith and Fulham Historic Buildings Group  
Dated 15<sup>th</sup> April 09

<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2009/03064/ADV	Advertising Hoarding south of Talgarth Rd	Hammersmith Broadway	41

Page 42

Replace condition 3 with the following condition:

The development hereby permitted shall not commence until details of artificial lighting have been submitted to and approved in writing by the Council. Details shall demonstrate that the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes For The Reduction Of Light Pollution 2005' will be met, particularly with regard to the 'Technical Report No 5, 1991 - Brightness of Illuminated Advertisements'. The approved details shall be implemented prior to use of the development and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

In the interest of highway safety and visual amenity and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies G4, TN8, EN14, EN20A, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

Page 43

Under consultation comments add:

Late letter: The Hammersmith and Fulham Historic Buildings Group  
Dated 15<sup>th</sup> April 09

Late letter: The Hammersmith Society  
Dated 15<sup>th</sup> April 09

<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2009/00064/FUL	Daley House, King House, O'Driscoll House, Weedon House, Grey Turner House Du Cane Road, W12	College Park & Old Oak	47

Page 59

Paragraph 3.24, last line – replace with 21% with 18.5%.

<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2009/00321/OUT	Hammersmith Hospital, Du Cane Road, W12	College Park & Old Oak	60

Page 65

Replace condition 22 with the following condition:

The development hereby permitted shall not commence until a method statement for demolition and construction has been submitted to and approved in writing by the Council. Details shall include control measures for dust, noise and vibration, including working hours. The approved details shall be implemented throughout the project period, unless subsequently otherwise approved in writing by the Council.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected

by dust and noise from the building site, in accordance with Policies EN20A, EN20B, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

**Page 75** Paragraph 3.25 – Add an additional head of terms:

'Funding of pedestrian improvements – provision of tactile surfacing at the pedestrian crossover close to the site entrance on Du Cane Road'.

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/02582/FUL	<b>White City Development Site Ariel Way, London W12</b>	<b>Shepherd's Bush Green</b>	<b>76</b>

**Page 77** Add additional conditions Nos 10 & 11 as follows:-

The door hereby permitted in the side elevation of the building at first floor level shall remain fixed shut, apart from those limited times when access to the side of the development is required for maintenance purposes.

It is considered that permitting the door to be propped open for any purpose other than their intended function of permitting access to the rear of the development for maintenance purposes would give rise to potential noise disturbance and overlooking of neighbouring residential properties, contrary to Policy EN21 and Standard S13.2 of the Council's Unitary Development Plan as amended in 2007.

The flat roofs at first and roof level provided by the development shall not be used as terraces or other amenity space. No walls, fences, railings or other means of enclosure shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

Such a use could be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to Policy EN21 and Standard S13 of the Council's Unitary Development Plan, as amended in 2007.

**Page 81** Late objection letters received from:  
2 Shepherd's Bush Place  
24 Shepherd's Bush Place

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/02585/FUL	<b>25-31 Shepherd's Bush Place London W12</b>	<b>Shepherd's Bush Green</b>	<b>89</b>

**Page 92** Amend reason 9 to read as follows:-

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy G0, G3, EN20A and EN21 of the Council's Unitary Development plan as amended in 2007.

<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/02705/FUL	351-353 New King's Road, SW6	Town	95

**Page 96**

Delete condition 4 and replace with the following wording:  
 "All construction and demolition works and associated activities that are audible beyond the boundary of the site shall only be carried out between 0800 hours and 1800 hours on Mondays to Fridays, and between 0800 hours and 1300 hours on Saturdays and at no other times, including Sundays and Public Holidays.

To safeguard the amenities of surrounding residential properties in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007".

**Page 97**

Delete condition 6 and replace with the following wording:  
 "The development shall not commence prior to the submission and approval in writing by the Council of details demonstrating that the external noise level emitted from plant, machinery or equipment will be lower than the existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together.

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

**Page 98**

Delete condition 11 and replace with the following wording:  
 "No deliveries or collections/Loading or unloading shall occur between 2100 hours and 0700 hours the following day on Mondays to Fridays, or between 2100 hours and 08:00 hours the following day on Saturdays, Sundays and Public Holidays.

In order to ensure that noise and other disturbance caused by deliveries does not cause harm to surrounding residents, in accordance with Policy EN21 of the Unitary Development Plan as amended 2007".

<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/03195/FUL	233 - 245 Dawes Road, SW6	Fulham Reach	107

**Page 111**

Delete Condition 15 and replace with the following wording:  
 "The development shall not commence prior to the submission to and approval in writing by the Council of the noise and vibration levels of proposed industrial/ commercial noise sources and building services plant, including appropriate noise mitigation measures to ensure that the external noise level is at least 10dBA Leq below background LA90, as measured according to BS4142:1997 and 'Good' internal room and external amenity noise standards will be achieved in accordance with BS 8233:1999.  
 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 EN20B and EN21 of the Unitary Development Plan, as amended 2007"

**Page 112**

Delete Condition 19 and replace with the following wording:  
 "No deliveries, refuse collection and/or any other servicing activities in connection with the retail (Class A1), financial or professional services (Class A2) or restaurant/cafe use

(Class A3) hereby approved shall take place between 20.00 hours and 06.00 the following day.

To safeguard the residential amenities of the neighbouring properties, in accordance with policy EN21 of the Unitary Development Plan as amended in 2007”.

**Page 114**

Delete Condition 34 and replace with the following:

“The ground floor commercial floorspace hereby approved shall be provided in the form of at least 2 separate units, and the floor space shall not be amalgamated or occupied as one larger single unit.

The use of the ground floor space as a single shop unit could have a materially different impact on the amenities of the area and the Council would wish to have an opportunity to consider these matters in accordance with policy EN21 and TN2 of the Unitary Development Plan as amended in 2007”.

**Page 115**

Delete Condition 36 and replace with the following:

“No amplified or non-amplified music or amplified voices shall be audible at or within the site boundary of any residential/ noise sensitive premises at any time.

To ensure that the permitted use does not give rise to conditions detrimental to nor impede pedestrian flow in this busy area, in accordance with Policies TN1 and TN5 of the Unitary Development Plan as amended in 2007”.

**Page 121**

Para 2.26 – first line – delete ‘undertake’; and replace with ‘pay for’.

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/003360/FUL	21 Lillie Road, SW6	Fulham Broadway	126

**Page 129**

Replace Condition 9 with the following wording:

Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council, demonstrating that the external noise level emitted from plant, machinery or equipment will either be at least 10 dB(A) below background noise levels, or shall not increase the background noise level with the plant in operation to more than 36dB(A), as measured according to BS4142:1997 and ‘Good’ internal room and external amenity noise standards will be achieved in accordance with BS 8233:1999.

In order that the development does not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

**Page 131**

Add the following additional conditions:

“18) The development shall not commence prior to the submission to and approval in writing by the Council of details of anti-vibration measures. These measures shall ensure that the machinery, plant, extraction and ducting systems are mounted with suitable and sufficient anti-vibration isolators. Fan motors are adequately silenced to prevent vibration or noise in sensitive rooms or external amenity areas. Approved measures to be permanently maintained.

To ensure that noise from mechanical installations/equipment and their uses does not adversely affect occupiers of surrounding premises, in accordance with Policy EN20B and EN21 of the Unitary Development Plan, as amended 2007”.

“19) No demolition shall take place prior to the submission and approval in writing by the Council of details of the methods proposed for the demolition of the existing building on the site, details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties. The demolition process shall be carried out in accordance with the approved details.

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policy EN19A and EN21 and of the Unitary Development Plan, as amended 2007”

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2008/03662/FUL	31-32 Irene Road, SW6	Parsons Green & Walham	137

**Page 138** Reason for Condition 3: Delete “TN15” and replace with “TN5”

**Page 139** Reason for Condition 7: Delete “TN15” and replace with “TN5”

**Page 142** Delete Condition 20 and replace with the following:  
 “The development shall not commence until the submission to and approval in writing by the Council of the noise and vibration levels of proposed plant/machinery/equipment including appropriate noise mitigation measures to ensure that the external noise level is at least 10dBA Leq below background LA90, as measured according to BS4142:1997 and ‘Good’ internal room and external amenity noise standards will be achieved in accordance with BS 8233:1999.

To ensure that noise from mechanical installations/equipment and their uses does not adversely affect occupiers of surrounding premises, in accordance with Policy EN20B and EN21 of the Unitary Development Plan, as amended 2007”.

Delete Condition 21 and replace with the following:  
 “Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council, demonstrating that the DnT,w+Ctr noise level difference and sound insulation of floor/ ceiling/ walls and any other mitigation measures are sufficiently enhanced to ensure that the Good standards specified in BS 8233:1999 are achieved within noise sensitive premises and their external amenity areas. Approved details should be implemented prior to occupation/use and thereafter be permanently retained.

To ensure that noise from the development does not adversely affect occupiers of surrounding premises, in accordance with Policy EN20B and EN21 of the Unitary Development Plan, as amended 2007”.

**Page 144** Reason for Condition 26: Delete “TN13”.

**Page 145** Add the following additional conditions:  
 “31) The development shall not commence prior to the submission to and approval in writing by the Council of details of anti-vibration measures. These measures shall ensure that the machinery, plant, extraction and ducting systems are mounted with suitable and sufficient anti-vibration isolators. Fan motors are adequately silenced to prevent vibration or noise in sensitive rooms or external amenity areas. Approved measures to be permanently maintained.



To ensure that noise from mechanical installations/equipment and their uses does not adversely affect occupiers of surrounding premises, in accordance with Policy EN20B and EN21 of the Unitary Development Plan, as amended 2007”.

“32) No amplified or non-amplified music or amplified voices shall be audible at or within the site boundary of any residential/ noise sensitive premises at any time.

To ensure that noise from the development does not adversely affect occupiers of surrounding premises, in accordance with Policy EN20B and EN21 of the Unitary Development Plan, as amended 2007”.

**Page 154** Paragraph 3.15; line 11: Delete “...would include planting trees between the building’s front building line and the highway at Irene Road...” and replace with “...would include two trees on the highway...”

**Page 158** Paragraph 3.30; line 3: Delete “condition 180” and replace with “condition 18”.

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
<b>2008/03663/CAC</b>	<b>31-32 Irene Road, SW6</b>	<b>Parsons Green &amp; Walham</b>	<b>160</b>

**Page 161** Add following condition:  
“3) No demolition shall take place prior to the submission and approval in writing by the Council of details of the methods proposed for the demolition of the existing building on the site, details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties. The demolition process shall be carried out in accordance with the approved details.

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policy EN19A and EN21 and of the Unitary Development Plan, as amended 2007”.

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<u>Reg No.</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
<b>2008/03795/FUL</b>	<b>168-188 Fulham Palace Road</b>	<b>Fulham Reach</b>	<b>163</b>

**Page 163** Site address: Delete “168-186” and replace with “168-188”.

**Page 167** Condition 15: Delete ‘TN7’ and replace with ‘TN15’  
Delete Condition 17 (duplicate) and re-number remaining conditions to reflect this.

**Page 168** Condition 19: Delete ‘74’ and replace with ‘38.’  
Condition 20: Delete ‘2’ and replace with ‘1.’

**Page 171** Condition 37: Delete ‘TN7’ and replace with ‘TN13’

**Page 176** Paragraph 1.10; line 1: Delete ‘76’ and replace with ‘38’

**Page 182** Paragraph 3.33; line 4: Delete ‘76’ and replace with ‘38.’

Paragraph 3.37; line 3: Delete 'In terms of the student accommodation....with the standard. These spaces would be adequately secure and covered.' And replace with '38 cycle parking spaces are provided for the student accommodation, all of which would be secure and covered. Officers consider this to be appropriate.'

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London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 13th May 2009**

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

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<b>WARD: REG NO:</b>	<b>SITE ADDRESS:</b>	<b>PAGE:</b>
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Palace Riverside 2007/02707/FUL	Site Of King's Mansions 2 Fulham High Street London SW6 3LQ	<b>24</b>
Palace Riverside 2008/03511/FUL	70A And 84 - 90B Fulham High Street London SW6 3LF	<b>37</b>
Palace Riverside 2008/03514/CAC	70A And 84 - 90B Fulham High Street London SW6 3LF	<b>77</b>
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**Ward:** Palace Riverside

**Site Address:**

Site Of King's Mansions 2 Fulham High Street London SW6 3LQ



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

**Reg. No:**  
2007/02706/LBC

**Case Officer:**  
Neil Egerton

**Date Valid:**  
03.08.2007

**Conservation Area:**  
Bishops Park Conservation Area: Number 5

**Committee Date:**  
13.05.2009

**Applicant:**

Mr Jason Flack  
147 Whipps Cross Road Leytonstone London E11 1NP

**Description:**

Erection of a part three, part four storey plus basement building, comprising a retail shop (Class A1) at ground floor and basement level, on the Fulham High Street frontage, and six residential units.

Drg Nos: 046-PL- 007B, 008A, 009B, 010B, 011B, 012B, 013, 014A, 015B 016A

**Application Type:**

Listed Building Consent

**Officer Recommendation:**

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

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

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

- 2) The building development shall not be erected otherwise than in accordance with the detailed drawings that have been approved, unless any material alterations to these approved details has first been submitted and approved in writing by the Council, and the relationship between the height of the parapet wall at roof level on the front elevation of the building hereby approved and the existing parapet line of the adjoining public house building at roof level shall be as indicated on approved drawing 1406 -PL - 013

In order to safeguard the special architectural or historic interest of the adjoining listed building, in accordance with Policy EN3 of the Unitary Development Plan, as amended 2007.

- 3) No development shall take place until drawings in plan, section and elevation at a scale of not less than 1:20 of the junction between the approved building and the adjacent listed building, including both the front and rear elevations, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to safeguard the special architectural or historic interest of the adjoining listed building, in accordance with Policy EN3 of the Unitary Development Plan, as amended 2007.

**Justification for Approving the Application:**

- 1) The proposed development would be of an acceptable visual appearance, responding successfully to the analysis of the site and the sensitive townscape context and contributing positively to the appearance of the street scene, the setting of the listed building and the character and appearance of the conservation area. It is not considered that the development would harm the special architectural or historic interest of the listed building. In this respect the development would comply with Policy EN3 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 30th July 2007  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
English Heritage London Region	24.11.08

**Neighbour Comments:**

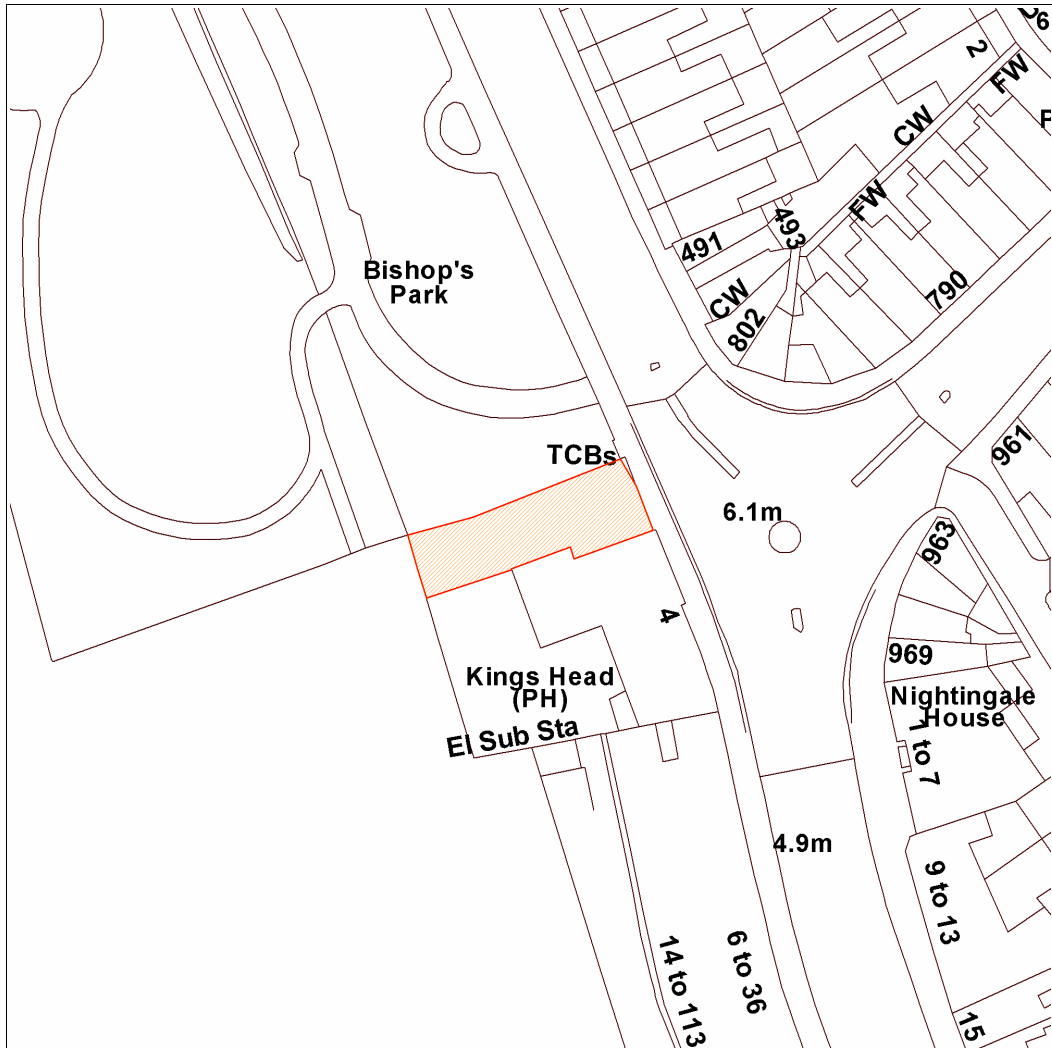
<b>Letters from:</b>	<b>Dated:</b>
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See 2007/02707/FUL for the report

**Ward:** Palace Riverside

**Site Address:**

Site Of King's Mansions 2 Fulham High Street London SW6 3LQ



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

**Reg. No:**  
2007/02707/FUL

**Case Officer:**  
Neil Egerton

**Date Valid:**  
20.09.2007

**Conservation Area:**  
Bishops Park Conservation Area: Number 5

**Committee Date:**  
13.05.2009



**Applicant:**

Mr Jason Flack  
147 Whipps Cross Road Leytonstone London E11 1NP

**Description:**

Erection of a part three, part four storey plus basement building, comprising a retail shop (Class A1) at ground floor and basement level, on the Fulham High Street frontage, and six residential units.

Drg Nos: 016A046-PL- 007B, 008A, 009B, 010B, 011B, 012B, 013, 014A, 015B,

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The building development shall not be erected otherwise than in accordance with the detailed drawings that have been approved, unless any material alterations to these approved details has first been submitted and approved in writing by the Council, and the relationship between the height of the parapet wall at roof level on the front elevation of the building hereby approved and the existing parapet line of the adjoining public house building at roof level shall be as indicated on approved drawing 046 - PL - 013.

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 EN2, EN3 and EN8 of the Unitary Development Plan, as amended 2007.

- 3) No development shall take place until drawings in plan, section and elevation of a typical bay of the front elevation at a scale of not less than 1:20 of the permitted building, including cladding, fenestration, residential and retail entrances and the ground floor shopfront, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to ensure that the development does not prejudice the visual quality and appearance of the conservation area and the adjoining listed building, in accordance with policies EN2, EN3 and EN8 of the Unitary Development Plan, as amended 2007.

- 4) No development shall take place until drawings in plan, section and elevation of the junction between the approved building and the adjacent listed building, including both the front and rear elevations, at a scale of not less than 1:20 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to ensure that the development does not prejudice the visual quality and appearance of the adjoining listed building, in accordance with policy EN3 of the Unitary Development Plan, as amended 2007.

- 5) The window glass of the shopfronts at ground floor level shall not be mirrored painted or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2, EN8 and EN8D of the Unitary Development Plan, as amended 2007.

- 6) The entrance doors to the retail unit hereby approved shall not be less than 1 metre wide and the threshold shall be at the same level as the pavement fronting the entrance.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policy EN12 of the Unitary Development Plan, as amended 2007.

- 7) The windows in the building hereby approved shall be of timber construction and a vertical sliding sash design.

To ensure a satisfactory external appearance in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 8) The flat roofs at second floor and roof level of the property hereby approved must not be converted into or used as terraces or other open amenity spaces, prior to the submission and approval by the Council of a further planning application. No railings or other means of enclosure shall be erected around the flat roof and no alterations shall be carried out to the rear elevation of the property to facilitate access onto the flat roof.

Such a use could be detrimental to the amenities of neighbouring properties by reason of overlooking, noise and loss of privacy, in accordance with Standard S13.2 and S13.2A of the Unitary Development Plan, as amended 2007.

- 9) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all materials to be used on the external faces of the buildings and surface treatments (which shall include confirmation of and details of the "Flemish" bonding and the pointing of the external facing brickwork), and no part of the development shall be used or occupied prior to the implementation of the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy EN2 and EN8 of the Unitary Development Plan, as amended 2007.

- 10) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all paving and external hard surfaces. No part of the development shall be used or occupied prior to the implementation of the approved details.

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

- 11) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all fences, walls and other means of enclosure. No part of the development shall be used or occupied prior to the implementation of the approved details.

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

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

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy EN2 and EN8 of the Unitary Development Plan, as amended 2007.

- 13) The rainwater goods for the building hereby approved shall be of a cast iron construction, or some other metal first agreed in writing by the Council, and shall be painted black.

In order to ensure a satisfactory external appearance, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 14) 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 hereby permitted.

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

- 15) 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 EN2, EN8 and EN21 of the Unitary Development Plan, as amended 2007.

- 16) The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of the trees. 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 buildings, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy EN8 and EN26 of the Unitary Development Plan, as amended 2007.

- 17) Any tree or shrub planted pursuant to condition 16 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory provision for planting, in accordance with policy EN8 and EN26 of the Unitary Development Plan, as amended 2007.

- 18) No works should be undertaken to any existing trees adjacent to the site, including lopping, pruning or works to the root system, until the details of such works have been submitted to and approved in writing by the Council.

To ensure that the development does not cause harm to the existing trees and in the interest of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

- 19) No part of the building shall be used or occupied prior to the provision of the secure bicycle parking spaces shown on the approved drawings, and the bicycle parking spaces shall thereafter be permanently retained.

To ensure the provision and permanent retention of bicycle spaces in accordance with Policy TN6 of the adopted Unitary Development Plan, as amended 2007.

- 20) No deliveries, refuse collection and/or any other servicing activity shall take place between 20.00 hours and 07.00 hours the following day.

To ensure that the occupiers of neighbouring residential properties units are not unduly affected by noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

- 21) No customers shall be on the premises in connection with the operation of the retail (Class A1) accommodation hereby approved between 23.00 hours and 07.00 hours the following day.

To ensure that the amenities of the occupiers of surrounding residential properties are not unduly affected as a result of noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

- 22) The development shall not commence prior to the submission and approval in writing by the Council of details of a scheme of sound insulation between the basement and ground floor retail accommodation and the adjoining residential units (at basement, ground and first floor levels), and no part of the basement, ground or first floors of the development shall be used or occupied prior to the installation of the sound insulation in full accordance with the approved details.

In order that the use of the non-residential premises on the ground floor does not give rise to conditions detrimental to the amenities of the occupiers of the residential units on the first floor as a result of noise and disturbance, in accordance with policy EN21 of the Unitary Development Plan, as amended 2007.

- 23) The external noise level emitted from plant, machinery or equipment at the development shall be lower than the existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together.

In order that any machinery and equipment used in connection with the permitted development not give rise to conditions that would be detrimental to the amenities of the area by reason of noise disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

- 24) The development shall not be commenced until details have been submitted to and approved in writing by the Council, of a Noise Exposure Category (NEC) assessment (according to PPG24), including details of sound insulation measures for the building envelope, orientation of habitable rooms and silenced mechanical ventilation, in order that internal room and (if provided) external amenity noise standards will be achieved, in accordance with BS8233:1999. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise/ vibration from dominant transport [and industrial/ commercial noise sources], in accordance with Policy EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

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

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN8 and EN33 of the Unitary Development Plan, as amended 2007.

- 26) No development shall take place until a methodology has been submitted to and approved in writing by the Council of how any television interference as a result of the development hereby granted permission will be remediated. Such methodology as approved shall be implemented as appropriate to remediate any television interference immediately upon its discovery.

To ensure that television interference caused by the development is remediated in accordance with Policy EN41 of the Unitary Development Plan, as amended 2007.

- 27) The development hereby permitted shall not commence until details of the refuse storage, including provision for storage of recyclable materials have been submitted to and approved in writing by the Council. The development shall not be occupied or used until the refuse storage arrangements are in place in accordance with such approval. The refuse and recycling storage shall be permanently retained thereafter.

In order to ensure a satisfactory provision for refuse and recycling and to ensure a satisfactory external appearance in accordance with Policies EN2, EN8B and EN17 of the Unitary Development Plan, as amended 2007.

- 28) The development shall not commence prior to the implementation of an archaeological field evaluation in accordance of a written scheme of investigation previously submitted to and approved in writing by the local planning authority.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with policy EN7 of the Unitary Development Plan, as amended 2007.

- 29) In the event that the results of the field evaluation required by condition 28 reveal the presence of archaeological interests on the site, the development shall not commence prior to the implementation in full of a programme of works to ensure

that the archaeology is either preserved or fully excavated, in accordance with a written scheme previously submitted to and approved in writing by the local planning authority.

In order to ensure the preservation or protection of any archaeological interests on the site, in accordance with policy EN7 of the Unitary Development Plan, as amended 2007.

- 30) No development shall commence until a desktop study, site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Council. The desk study will identify all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site. The site investigation scheme will provide information for an assessment of the risk to all receptors that may be affected, including those off site. The risk assessment will assess the degree and nature of any contamination on site and to assess the risks posed by any contamination to human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policies G0, G3, EN20A and EN21 of the Unitary Development Plan as amended in September 2007.

- 31) No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council unless otherwise authorised. 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 should be detailed and verified in an amendment to the remediation statement. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy G0, G3, EN20A and EN21 of the Unitary Development Plan as amended in September 2007.

- 32) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include contractor's method statement, 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. All works to be carried out in accordance with the approved plan.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policy EN21 and TN15 of the Unitary Development Plan, as amended 2007.

**Justification for Approving the Application:**

- 1) The proposed development would provide for an acceptable mix of uses on the site. The design of the development would be of an acceptable visual appearance, responding successfully to the analysis of the site and the sensitive townscape context and contributing positively to the appearance of the street scene, the setting of the adjoining listed building and the character and appearance of the conservation area. It is not considered that the development would have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties. In this respect the development would comply with Policies EN2, EN3, EN8 and EN21 and Standards S12, S13 and S18 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 30th July 2007  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Hammersmith & Fulham Historic Buildings Group	30.11.07
Environment Agency - Planning Liaison	14.12.07



## **Neighbour Comments:**

### **Letters from:**

18-20 Fulham High Street London

### **Dated:**

15.10.07

## OFFICER'S REPORT

### 1.0 BACKGROUND

1.1 The application site is located between the former Kings Head Public House (now "the Ramshackle") and Bishops Park, and has a frontage onto Fulham High Street. The site was previously in residential use (King's Mansions) but the original building was demolished in the 1980's. The land is currently vacant, with the exception of that part on the Fulham High Street frontage, which is used as a "beer garden" in connection with the adjoining public house. The site is within the Bishops Park conservation area and is in an Archaeological Priority Area, and is also situated within Flood Zone 3. The adjoining public house is a Grade II Listed Building, and Bishops Park is a Nature Conservation Area and included on the list of Historic Parks and Gardens. The rear part of the site is part of a scheduled ancient monument. With the exception of the public house building, the nearest neighbouring properties are situated on the opposite side of Fulham Palace Road/Fulham High Street.

1.2 Planning permission, was granted in 2007, following the completion of a legal agreement for the redevelopment of the site by the erection of a part four-storey, part 2 storey plus basement building, providing a mix of retail (ground floor/basement level) and residential (5 flats). This is currently being implemented.

1.3 The current application is a revised version of the previous approval, and involves the redevelopment of the site by the erection of a part four-storey, part 3 storey plus basement building, providing a mix of retail (ground floor/basement level) and residential (6 flats). A separate application has been submitted for the necessary listed building consent. This report covers both applications.

1.4 The scheme has been revised since the original submission (alterations to the basement and ground floor layout; revisions to the flank elevation of the building.

1.5 In support of their application the applicants have commented as follows:

- Design of the building has been revised in discussion with Council officers.
- Building of similar scale (King's Mansions) occupied the site until the mid 1980`s.
- Parking cannot be provided on site but in recognition of this, the applicants have agreed to enter into a legal agreement that would prevent the occupiers of any of the new residential units from being eligible for residents' on-street car parking permits.
- The applicant's submit that the proposed retail use of the ground floor will complement existing uses in the area and contribute towards the vitality and viability of Fulham High Street
- Limited amenity space provided is provided on site. However, the applicants argue that this would be partly compensated for by the proximity of Bishops Park.
- Secure cycle storage is provided as part of the development

- The applicants submit that the development would still leave adequate external space for the use of the adjoining public house
- Flood risk assessment submitted

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The applications have been the subject of site notices and press adverts, and English Heritage, English Heritage (Archaeological Department) have been consulted. In addition, individual notification letters have been sent to the occupiers of neighbouring properties and to the Hammersmith and Fulham Historic Buildings Group.

2.2 English Heritage did not raise any objection to the earlier approval and authorised the local authority to determine the listed building consent. English Heritage did not raise any objection to the current proposal (a revised version of the earlier approval), and as such the local authority are authorised to determine the application in this instance.

2.3 A representation has been received from the Hammersmith and Fulham Historic Buildings Group, objecting to the proposed development. Their grounds for objecting can be summarised as follows:

- new scheme is larger than that previously approved.
- the design of the development does not provide a worthy neighbour to the listed public house or the public park, and harms the conservation areas. The materials and the detailing are unacceptable.
- The side elevation is very dominant when seen from Fulham Palace Road and its design is of great importance. We have reservations about the translucent glass brick feature (Officers comment: this has since been deleted from the scheme).
- Request that conditions are included for the protection of the adjacent trees in the park and to ensure that the top cornice of the new building lines up with that of the King's Head.

## 3.0 PLANNING CONSIDERATIONS

3.1 The main issue in this instance is whether or not the proposed development is acceptable in the context of the design and appearance of the proposed building, in terms of its impact on the appearance of the street scene, the conservation area and the adjoining listed building, particularly given the existing planning permission for the redevelopment of the site (expires in August 2012).

Land Use:

3.2 Given that the previous use of the site for residential purposes, officers raise no objection in principle to the current proposals in land use policy terms. Accordingly, the main issues for consideration relate to the design and appearance of the proposed building, in terms of its impact on the appearance of the street scene, the conservation area and the adjoining listed building.

Density:

3.3 There are no specific density standards within the current UDP (as amended 2007). Nonetheless, the proposal is essentially an infill development and the scale of the building reflects that of the adjoining public house and is generally driven by a requirement to make a positive contribution to the street scene. Notwithstanding this the density of the proposed development complies with the density standards within the London Plan. Accordingly, there is no objection to the proposed development on density grounds.

3.4 Whilst the site is not within a designated shopping centre, the amount of retail floorspace provided (in the form of a single shop unit) is relatively modest (108.3 sqm net floorspace - 143 sqm gross floorspace: 30.1sqm of the net floorspace is provided at ground floor level). The site is situated on the edge of the Fulham High Street protected parade, and officers judge that the retail unit would be complementary to the existing shopping function of the parade and would be of a scale suitable for the location, and officers consider that this aspect of the development would contribute to the retail function/viability of Fulham High Street.

Design and External Appearance:

3.5 The character of the existing buildings, and that of the surrounding townscape, is considered to be enhanced by this development. The new building has been designed so that it is subordinate in appearance to the adjoining listed public house and sits comfortably within the context of the adjoining park. The site had previously been used until recently as a beer garden to the public house, but up until the early 1980's there was a residential mansion block on this site.

3.6 The building has been set back from the main building line of the public house and has white rendered upper floors with natural stone cornice and window surrounds. The lower part of the building is finished in buff brickwork to the height of the existing stonework finish of the ground floor of the listed public house.

3.7 It is proposed that particulars and samples of all external facing materials to be used in the construction of the new building are reserved by condition for subsequent approval, in the event of planning permission being approved.

3.8 As stated above, the rear part of the site is part of a scheduled ancient monument. The applicants have provided documents to show that they have received Scheduled Ancient Monument Consent for both the scheme that is currently under development as well as for the scheme that is the subject of this report. Therefore there are no objections to the development on Scheduled Ancient Monument grounds.

3.9 Officers consider that the design of the proposed development is acceptable in the context of the adjacent listed building, the adjacent park, the conservation area and the street scene generally. In this respect it is considered that the development complies with policies EN2, EN3, EN8, and EN31X of the UDP.

Traffic Generation and Car Parking:

3.10 The proposed development does not provide any off-street car parking, primarily as a result of site constraints and for townscape reasons. However, the applicants have confirmed that they are prepared to enter into a legal agreement, to the effect that the occupiers of the new residential units shall not be eligible for residents' on-street car parking permits. Given the access to public transport (Putney Bridge Underground

Station; numerous bus routes along Fulham Road, Fulham Palace Road, New Kings Road and Fulham High Street) and the proximity of shops and services, officers consider that this is an appropriate solution in this case.

3.11 The development will include a number of secure cycle racks for the use of the occupiers of the proposed flats, in accordance with UDP standards.

Impact on neighbouring properties:

3.12 The development has been designed with a view towards minimising its impact on the existing amenities of the occupiers of neighbouring properties. In the case of the adjoining public house, the building has been designed to respect the existing building line. It is not considered that it would have a detrimental impact on the upper floors of the public house, which provides staff accommodation. Similarly, it is not considered that the development would harm the existing amenities of the occupiers of neighbouring residential properties, in terms of loss of light, outlook, overlooking or loss of privacy (no conflict with UDP standards in this respect).

Internal layout/amenity:

3.13 The proposed units would accord with UDP standards in terms of its overall size and internal room sizes. There is a communal garden to the rear of the premises for use by all of the flats. Furthermore, there are two small terraces at ground floor level for flats 1 and 2. The total space is below the Council's normal requirements, however, having regard to the physical constraints of the site this is considered to be an acceptable arrangement. Furthermore, it is recognised that the application site adjoins Bishops Park.

Legal Agreement:

3.14 The agreement would include clauses stating that:

- the occupiers of the 6 residential units will not be entitled to purchase residents parking permits
- each lease, tenancy agreement, licence or any other instrument granting a right to occupy these flats shall contain a statement confirming that they are "car free", in the sense that car parking is not provided and that the occupiers of the unit will not be entitled to hold residents parking permits.
- requiring that the Council be notified in writing of the postal address of the relevant flats, and of any subsequent change to this address.

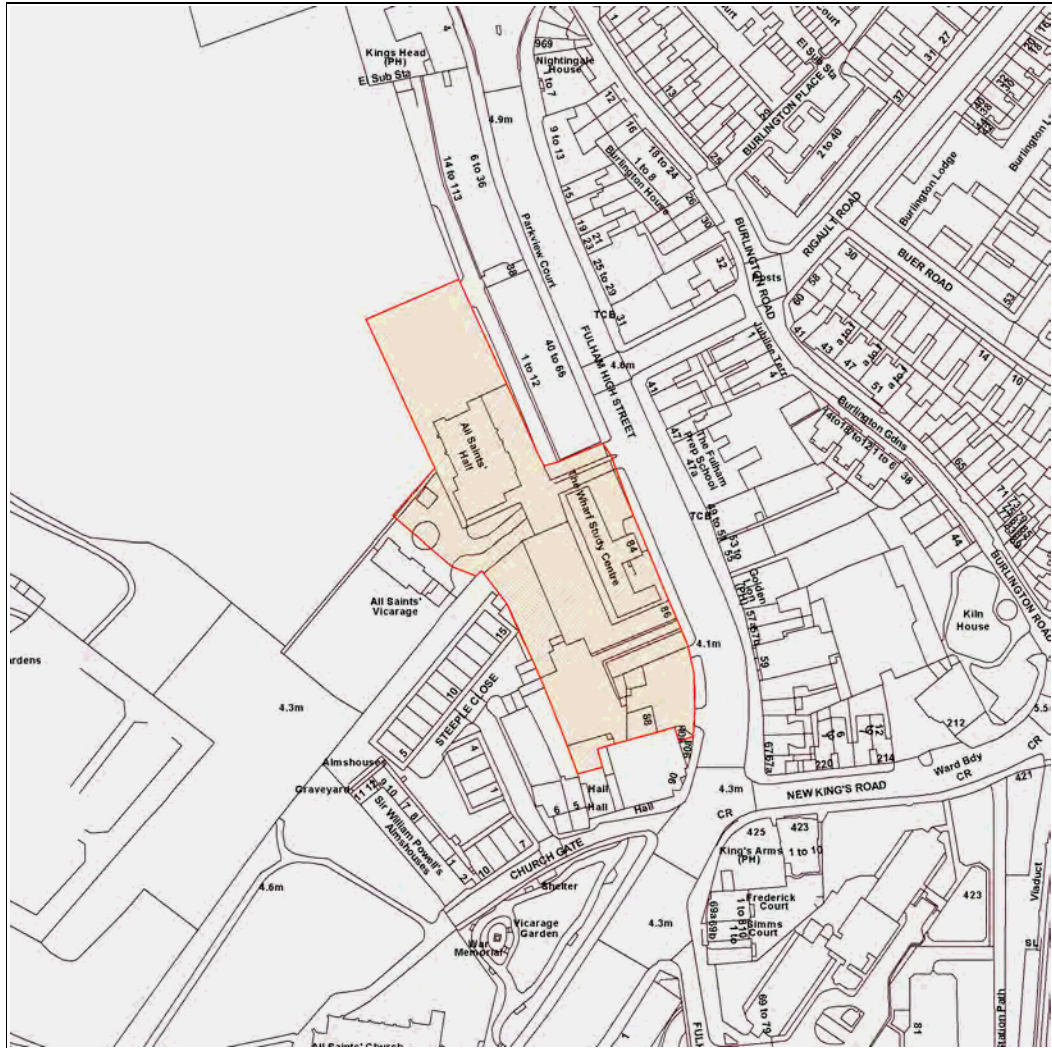
#### 4.0 Recommendation

4.1 Grant listed building consent and planning permission, subject to the completion of a satisfactory legal agreement as outlined above.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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

**Reg. No:**  
2008/03511/FUL

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
: Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009

**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Redevelopment of the site to provide the following: a 4073 sqm. gross supermarket (1622 sqm. net retail sales area), together with a 17 sqm. gross glazed (Class A1) kiosk on the Fulham High Street frontage and 52 residential units above (second to sixth floors); the erection of a part two, part three storey replacement church hall building (618 sqm.) to the rear of Parkview Court and 3 residential units above; erection of a replacement detached garage building and gates to the existing Vicarage; comprehensive excavation to provide 2 levels of basement car parking off a new access road and altered junction arrangements to Fulham High Street; providing 181 car parking spaces (143 short term retail spaces, 32 residential spaces and 5 church hall spaces and 1 car space o/s the new church hall), together with related servicing arrangements, open space (rear of new church hall) and hard/soft landscaping.  
Drg Nos: Planning Statement (Planning Perspectives LLP); Design and Access Statement (Collado Collins); Retail Planning Assessment (Strategic Perspectives LLP); Transport Assessment, Appendices \_ Travel Plan (Colin Buchanan); Sustainability (Environmental Perspectives Energy Strategy, Code of Sustainable Homes Pre-Assessment \_ BREEM Pre-Assessment (Scott Wilson); Statement of Community Involvement (Lexington Communications); Environmental Statement (EIA) Volumes I, II and III.P0\_001; P1\_001; P1\_002; P3\_003; P3\_004; P3\_005; P3\_006; P1\_100; P1\_101; P1\_102; P1\_103; P1\_104; P1\_105; P1\_106; P1\_107; P1\_108; P1\_111; P2\_100; P2\_101; P2\_102; P2\_103; P2\_104; P2\_105; P3\_101; P3\_102; P3\_103; P3\_110; P4\_101; P4\_102; P4\_103;

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The applicants have failed to demonstrate that there is a quantitative need for the scale of the proposed food store which is located in an out of centre location. In addition it has not been demonstrated that the scale of any identified need could not be met on sequentially preferable sites nor that the impact upon existing shopping centres within the catchment area of the proposed store centre would be acceptable. The proposal is therefore contrary to Policies TC1 and G9A of the Unitary Development Plan as amended 2007, policies 3D.1 and 3D.2 of the London Plan 2008 and national advice in PPS6 "Planning for Town Centres".
- 2) The proposed development is considered to be unacceptable on traffic generation and road safety grounds. Fulham High Street is part of the Strategic Road Network and part of the London Bus Priority Network and the use of the ground floor as a single, large retail unit would result in increased traffic generation that would prejudice the effectiveness of the strategic road network. In the absence of

satisfactory details of how many car trips would realistically be generated by this scheme overall, including satisfactory evidence to prove that the development would not result in an unacceptable increase in traffic flow; the proposed signalisation and intensification of the access road would lead to congestion and delay to the strategic road network. The proposal would thereby be contrary to UDP policies TN8 and TN13 of the Unitary Development Plan, as amended 2007 and PPG13.

- 3) The proposed development is considered unacceptable in terms of the excessive provision made for off-street parking within the application site which would result in an unacceptable increased traffic flows on neighbouring streets, in particular Fulham High Street which already suffers from high levels of through traffic. Furthermore there is an under provision of disabled parking bays for the six disabled residential units proposed and the church hall. The proposal would thereby be contrary to UDP policy TN15 of the Unitary Development Plan, as amended 2007, The London Plan policy 3C.22 and Access for All SPD.
- 4) The proposed development is unacceptable in that it would fail to provide a suitable and safe environment for vulnerable road users accessing the application site. The subterranean cycle parking is considered not to be direct, convenient or safe for cyclists to use. Furthermore the internal road layout does not provide direct, convenient or safe walking routes or suitable routes for disabled people. The proposal would be therefore contrary to UDP policies G4, TN4, TN5 and TN6, Standard S20 and Access for All SPG.
- 5) The development would be unacceptable on heritage/archaeology grounds. By virtue of its scale, historic associations and completeness as an historic feature in the landscape, the moated enclosure of Fulham Palace is the most significant heritage asset in the Borough. It is considered that the effect of the proposed development on the physical character and setting of the Scheduled Monument has not been sufficiently addressed in the proposed design and the layout of the proposed scheme does not wholly respect the historic plan form of the moat and the historic context of the Bishops Park Conservation Area. Furthermore, the compatibility of the proposed design with aspirations to interpret and/or restore the continuous moat circuit for the community has not been adequately addressed in the application. It is therefore considered that the formation of a double basement car park and associated vehicle access will have a significant, irreversible, adverse impact on archaeological remains which are of national significance. The proposal is therefore contrary to policies EN2 and EN7 of the Unitary Development Plan, as amended 2007, London Plan policy 4B.15 and national advice PPG16 'Archaeology and Planning'.
- 6) The proposed development is considered to be unacceptable in the interests of visual amenity, as the development fails to respond satisfactorily to the existing qualities of the Building's of Merit (BOM's) on the site. The design and form of the main building is unsympathetic to the street frontage in terms of its relationship to the existing gatehouses, and would result in an uncomfortable connection in terms of the retention of only the facades of these two buildings. There is no proper

justification for the loss of a substantial part of the existing gatehouses. The loss would be further compounded by the design of the proposed development above the retained facade. This would result in a discordant and unsympathetic feature in the street scene, harming the original proportions of the BOM's and detrimental to visual amenities of the area. Consequently, it would have a negative effect on the character and appearance of the surrounding conservation areas, which the Council considers desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposal is contrary to Policy EN2, EN2C, EN6 and EN8 of the Unitary Development Plan as amended 2007.

- 7) The proposed development is considered to be unacceptable on other aspects of design. In particular, design elements to the ground floor retail use, in respect to the treatment in materials and fenestration detailing, together with the design and landscaping of the vehicular access route which, would create a poor pedestrian environment, and fails to relate to the character of this part of the Bishops Park conservation area. As such the proposal would harm the character and appearance of the conservation area, which the Council considers it desirable to preserve or enhance in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In these respects, the proposal is contrary to Policies EN2, EN6, EN8, EN8D, EN25 and EN26 of the Unitary Development Plan, as amended 2007.
- 8) The application site located within Flood Zone 3 lies in an area having a high probability of flooding and the proposed development is highly vulnerable to flood risk. The Flood Risk Assessment submitted with this application does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. As such the proposed development is considered to be unacceptable in accordance with the requirements set out national advice PPS25 "Development and Flood Risk"
- 9) The Flood Risk Assessment submitted with this application does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular the FRA has failed to address the impact of the development on the surface water drainage system for the area. As such the proposed development is considered to be unacceptable in accordance with the requirements set out national advice PPS25 "Development and Flood Risk"
- 10) The development would be unacceptable in terms of meeting the needs of persons requiring wheelchair access. More particularly, UDP Policy HO6 (2) (a) of the UDP requires the provision of 10% of the units to be designed for occupation of wheelchair users. A total of 5 wheelchair units are being provided which is not in accordance with this policy.



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

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

Application form received: 12th November 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Greater London Authority - Planning Decisions Unit	12.12.08
London Borough Of Wandsworth	20.02.09
Crime Prevention Design Advisor - Hammersmith	17.12.08
Thames Water Utilities Limited	15.12.08
Environment Agency - Planning Liaison	17.02.09
English Heritage London Region	12.01.09
Hammersmith & Fulham Historic Buildings Group	10.02.09
English Heritage London Region	07.01.09
English Heritage London Region	27.02.09
Transport For London - Street Management Administration Team	08.01.09
	15.01.09
Greater London Authority - Planning Decisions Unit	16.01.09
English Heritage London Region	17.02.09
Crime Prevention Design Advisor - Hammersmith	

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

6 Steeple Close London SW6 3LE	27.03.09
14 Steeple Close London SW6 3LE	27.03.09
7 Church Gate London SW6 3LD	23.03.09
4 Dorville Crescent London W6 0HJ	31.03.09
63 Burlington Road London SW6 4NH	30.11.08
2 Steeple Close London SW6 3LE	22.12.08
25 Parkview Court Fulham High Street London SW6 3LP	17.12.08
70A Fulham High Street London SW6 3LQ	10.12.08
57 Parkview Court 38 Fulham High St London SW6 3LL	12.12.08
61 Burlington Road London SW6 4NH	15.01.09
2 Jubilee Terrace Burlington Road London SW6 4NT	23.12.08
1 Irene Road London SW6 4AQ	11.12.08
NAG	18.12.08
NAG	18.12.08
44 Radipole Road London SW6 5DL	17.12.08
35 Parkview Court Fulham High Street London SW6 3LP	20.12.08
12 Waldemar Avenue London SW6 5NA	29.12.08
53 Parkview Court Fulham High Street London SW6 3LL	19.12.08
Riverbank House 1 Putney Bridge Approach London	17.12.08
G/F And Basement 222 New Kings Road London SW6 4NZ	18.12.08
37 Cloncurry Street London SW6 6DR	11.12.08
15 Steeple Close London SW6 3LE	19.12.08
38 Burlington Road London SW6 4NX	10.01.09
Flat 4 Burlington House Burlington Road London SW6 4NS	11.12.08
5 Clonmel Road London SW6 5BL	15.12.08
Church Gate Hall Church Gate London SW6 3LD	17.12.08
	19.12.08
15 Steeple Close London SW6 3LE	10.03.09
12 Steeple Close London SW6 3LE	12.03.09
c/o Hammersmith Town Hall King's Street Hammersmith	17.03.09
1 Steeple Close London SW6 3LE	18.03.09
46 Fulham High Street London SW6 3LQ	27.02.09
11 Daisy Lane London SW6 3DD	16.03.09
Flat B Ground Floor 18 Halford Road London SW6 1JT	17.03.09
8 Church Gate London SW6 3LD	26.03.09
5 Steeple Close London SW6 3LE	26.03.09
15 Steeple Close London SW6 3LE	10.03.09
11 Steeple Close London SW6 3LE	12.03.09
11 Steeple Close London SW6 3LE	12.03.09
53 St Olaf's Road London SW6 7DN	26.02.09
74 Doneraile Street London SW6 6EP	09.03.09
6 Church Gate London SW6 3LD	16.03.09
117 Studdridge Street London SW6 3TD	30.03.09
3 Steeple Close London SW6 3LE	30.03.09
Flat 3 16 Buer Road London SW6 4LA	29.11.08
Room 306 Riverside House 1 Putney Bridge Approach London SW6 3JD	05.12.08

800 Fulham Road London SW6 5SL	04.12.08
6 Rigault Road London SW6 4JL	03.02.09
85 Rannoch Road London W6 9SX	23.02.09
Flat 11A Avonmore Mansions Avonmore Road London W14 8RN	20.02.09
Nag	06.02.09
Mystique Flowers 57a Fulham High Street London SW6 3JJ	21.01.09
141 Rivermead Court Ranelagh Gardens London SW6 3SE	30.01.09
16 Atalanta Street London SW6 6TR	12.02.09
Morrison Supermarket	30.01.09
11 Avonmore Mansions London W14 8RN	20.02.09
98 Colehill Lane London SW6 5EH	11.02.09
Chairman FPMAA	
Fulham Palace Meadow Allotment Association	17.02.09
5 Kensington Hall Gardens London W14 9LS	18.02.09

## 1.0 BACKGROUND

1.1 The application site has an area of 0.69 hectares (1.7 acres), situated in a prominent location on Fulham High Street, close to Putney Bridge. The site is bounded to the north by Parkview Court (7 storey block of flats above ground floor commercial premises) and allotments, to the east by Fulham High Street, to the south by the Grade II listed, 2 storey Temperance public house (formerly a billiard hall) and to the west by the Grade II residential properties of 5 and 6 Church Gate and the Sir William Powell's Almshouses, Steeple Close and the All Saints Vicarage and garden. Further to the west are the open areas of The Warren, the historic parks of Fulham Palace Gardens and Bishops Park.

1.2 The site is located within the Bishops Park conservation area and opposite Fulham Park Gardens conservation area. The southern part of the site falls within the Fulham Village Archaeological Priority Area and the northern part within the Scheduled Ancient Monument of Fulham Palace.. The site include the former TA (Territorial Army) centre with the pavilion buildings (gatehouses) included on the Council's register of local buildings that are considered to be of townscape, architectural or historical interest, otherwise referred to as Buildings of Merit (BOMs) in the UDP. Furthermore, the site also lies adjacent to a number of listed buildings, Metropolitan Open Land (MOL), Nature Conservation Area and Thames Policy Area. The site is not located within a designated shopping frontage however, Fulham High Street is designated as a Protected Shopping Parade. In terms of accessibility the site has a Public Transport Accessibility Level (PTAL) of 6.

1.3 The site is identified in the emerging Site Allocations Development Plan Document as Site 16, considered suitable for retail and residential.

### Current Uses

1.4 The application site has a mix of buildings of varying uses some of which are vacant and several access points off Fulham High Street.

88 and 90b Fulham High Street: Former petrol filling station. Now an unattractive single storey building with open forecourt area, currently used for display and sale of second hand vehicles.

86 Fulham High Street: Former TA centre. There are the 2 (TA) Pavilion buildings, also referred to as the 'gatehouses'. Consist of a matching pair of two storey lodges running at right angles to Fulham High Street, with a vehicular access points running between them. Connects the former Drill Hall and Riding School at the rear. The gatehouses date back to start of the 20th century and are on the Council's local list as Buildings of Merit (BOM's) since 1989. Some of these buildings are temporarily used as workshops. Others are vacant.

84 Fulham High Street: Formerly the Wharf Study Centre. A vacant, prefabricated former single storey school annex to the nearby Fulham Preparatory School.

70a Fulham High Street: Further north, adjacent to Parkview Court. Two points of vehicular access, one serving the Vicarage of All Saints Church, the other serving the associated Church Hall (with associated rear garden 'The Paddock') that lies to the rear of Parkview Court. The Church Hall is a well used community facility and includes the Roche Nursery.

#### Planning History

1.5 The main part of the site (84-88 Fulham High Street), excluding the church hall and land to the rear has relevant planning history and benefits from an extant planning permission for its redevelopment that expires on 10 December 2009.

1.6 In April 2002, planning permission and conservation area consent were granted for the 'Dome scheme', subject to a Section 106 Agreement for the following development:-

"Refurbishment of the two storey (former Territorial Army) lodge buildings on the Fulham High Street frontage and redevelopment of the remainder of the site by the erection of various buildings, between two and six storeys (northern end of the site on Fulham High Street frontage) in scale, to provide a mix of residential (46 units) offices (1054 sq.m.) retail and or professional services (295 sq.m) and a restaurant (403 sq.m) together with associated car parking (53 spaces) at basement level, formation of pedestrian gate into the garden wall with 5 Church Gate, and a landscaping and planting scheme".

1.7 In December 2002 planning permission was granted for the following revised scheme:

"Revisions to previously approved development (reference 2000/3149/P) dated 19th April 2002 for the refurbishment/redevelopment of the site to provide a mix of office accommodation, residential, retail and a restaurant, together with related car parking at basement level. (Main revisions relate to: reconfiguration of basement car park; number of access/exit points to car park from Fulham High Street reduced from two to one; increase in retail floor space from 295 sq.m to 326 sq.m and alterations to ground floor shop front treatment; relocation of lift from car park and alterations to fenestration treatment in Unit 25, and modifications to the siting of Block B".

1.8 The time period within which to implement the 2002 planning permission was then extended (ref:2006/02359/VAR). Planning permission was granted on 16 November 2006, to extend the prescribed period for the commencement of development from 20 December 2007 to 10 December 2009.

## The Applications

1.9 A set of duplicate applications (6 in total) have been submitted for full planning permission, concurrent with conservation area consent and listed building consent applications. All are currently before the Committee. This report covers all 6 applications. A separate application has been made to the Government's Department for Culture, Media and Sports (DCMS) for Scheduled Ancient Monument Consent.

1.10 The applicants have submitted a Planning Statement, a Design and Access Statement, a Retail Statement, a Transport Assessment including a Travel Plan, a Sustainability Statement, an Energy Statement, and a Code for Sustainable Homes Pre-Assessment, a BREEAM Pre-Assessment and a Statement of Community Involvement. In addition the proposals have been the subject of an Environmental Impact Assessment (EIA) in response to a Scoping Opinion given by the Council.

1.11 An Environmental Statement is provided that presents the findings of an EIA. It covers an Introduction and Assessment Methodology; Proposed Development; Development Programme and Construction; Planning Policy and Land Use; Transportation; Noise and Vibration; Air Quality; Landscape and Visual; Daylight/Sunlight and Overshadowing; Archaeology; Soil Conditions, Groundwater and Contamination; Water resources; Ecology; Wind; Cultural Heritage; Socio Economics; Cumulative Effects and Residential Effects and Conclusions.

1.12 The Planning Statement asserts that the proposal has evolved against the background of a thorough assessment of the opportunities and constraints of the site and extensive pre-application consultation. The statement adds that consideration has been given to the planning permission that already exists on the main part of the site and a critique of how a more beneficial redevelopment proposal might come about if the land to the rear, occupied by buildings associated with the All Saints Church was to be included. The statement indicates that the proposed development would bring a number of benefits that include a food store to underpin Fulham High Street as a Key Local Centre; 55 residential units, including 13 of affordable tenure to help meet the Borough's housing needs and targets and 3 units exclusively for the church; a replacement modern church hall for the All Saints Church and use by the wider community; an underground car parking for shoppers on a short stay basis, to enable linked trips to other shops and businesses along Fulham High Street; and a high quality development blending the traditional with the contemporary that would remove unsightly and derelict buildings, including a single-storey addition at 90b which currently makes no contribution to the listed Temperance public house. The only elements of the site that would be retained are the front sections of the gatehouses and the proposal would provide a high quality development sympathetic to its Conservation Area location.

## The Proposal:

1.13 Comprises the following elements:

- Demolition of all the existing buildings on the site (except for the front facades and section of side returns of the 2 (TA) gatehouses to be retained) that include a car showroom, a former TA drill building and the existing Church Hall, for a mixed use redevelopment involving:
- A replacement building (up to 7 storeys), comprising a 4073 sqm. Gross, Class A1 supermarket, located on the ground floor, with a net sales area of 1622 sqm. retail space (1454 sqm. food and 168 sqm. non food), together with ancillary accommodation

on part of the upper floors (offices and staff facilities and associated plant at the equivalent of the second floor). The front of the store would have a large atrium facing Fulham High Street, providing a pedestrian link between the car park/store and street level. Service area (enclosed) to the rear and back of house areas. Offices and plant on part of 2 upper floors. Ground level retail space would to a large extent have a 4.5 metres clear internal height, stepping down to 2.5 metres at the rear of the store adjacent with the rear garden to 5 Church Gate and Temperance public house.

- A 17 sqm. Gross,(Class A1) glass kiosk, adjacent to the supermarket entrance, in place of 90b Fulham High Street, to establish a gap with the adjacent Temperance public house; a Grade II listed building.

- 55 residential units: (24%) affordable - (76% ) private mix. 52 units provided above the food store (2nd -6th floors), with main access gained via the retained elements of the gatehouses. A further residential lobby would be provided at the northern end of the main building. Mix comprise 39 private units and 13 affordable units (7 rented located on the 2nd floor) and 6 intermediate (3rd floor) = 54:46 split). The remaining 3 private residential units would be provided for the church (above the proposed church hall use).

- Residential mix: 42 private units (18x1 bed, 17x2 bed and 7x3 bed) = 76%; 6 shared ownership units (4x1 bed, 2x2 bed) = 11%; 7 rented units (3x1 bed, 2x2 bed and 2x3 bed) = 13%.

- A total of 149 habitable rooms (115 private/14 shared ownership/20 rented).

- 6 disabled units provided (equivalent to 10% of total units) to meet wheelchair standards. All units to be built to Lifetime Homes Standards.

- 350 sqm. private amenity space for the residential units in the form of balconies and terraces. Flat green or sedum roofs (1711 sqm) are proposed above proposed food store for visual and biodiversity value only. Will not be accessible to residents.

- A replacement part 2, part 3 storey church hall (618 sqm), located on the existing Church Hall and Paddock site. Located on the same site as the existing building (but reduced footprint and turned at 90 degrees). Ancillary meeting rooms and offices (first floor) provided together with 3 private residential units above (2nd floor level). New church hall designed to meet Disability Discrimination Act (DDA) requirements, including a lift core that runs to and from the basement car park. 780 sqm. multi functional amenity space associated with new church hall (on a reinstated and landscaped paddock area). Include hard, soft and terraced landscaped areas, a children's play area and seating.

- Retention of the Vicarage and associated garden. Majority o/s application site, but proposals include a replacement garage and new gate off the proposed new access road serving the food store and double basement car park.

- Vehicular access road off Fulham High Street to ramp and 2 levels of basement car parking, concealed under part of the 1st floor of the church hall and re-landscaped Paddock providing: (Upper basement level): 143 short term retail car parking spaces (15 disabled and 5 family spaces) and; (Lower basement level): 32 residential car parking spaces (3 disabled) and 5 car parking spaces for All Saints Church Hall.

- One drop-off disabled parking space at street level o/s the church hall.
- 137 cycle parking spaces (40 at the front of the food store, 30 at upper basement level for shoppers/staff, 55 proposed at lower basement for residents and 12 proposed in front of the church hall).
- Consolidation of existing vehicular access points. Introduction of an altered junction onto Fulham High Street (adjacent to Parkview Court). To be signalised and include a new pedestrian crossing.
- Access road to be hard landscaped (with some soft landscaped areas).
- Energy requirements met via Gas Fired Combined Heat and Power (CHP) system and 40 sqm. Photovoltaics at the top roof level.
- Mix of traditional and contemporary materials (brick, render, terracotta, copper, glass and timber).

1.14 In support of the proposal, the applicants indicated that the majority of the site already benefits from a planning consent for a mix use development but consider this a poorer solution for the redevelopment of the site for the following reasons:

- Subsequent listing of the Temperance Hall (public house). Poor relationship between public house building and approved scheme.
- Question height and design of approved scheme.
- Mass of residential accommodation to the rear closer to properties in Steeple Close.
- Unsatisfactory public route through the site (driven by previous requirements for retention of this route as a right of way for 5 Church Gate). This has now been extinguished via acquisition of this property.

1.15 A Statement of Community Involvement (SCI) has been submitted with the application which, details the public consultation exercise undertaken by the applicants since 2007, up to the submission of the planning application. Initially telephone and street questionnaires were carried out. A full public consultation programme followed in June 2008 including meeting with Council officers and key stakeholder groups and local residents. A two day exhibition was visited by approximately 110 persons on 19 and 21 June 2008. Further consultation events were carried out in August and September 2008 and a final presentation of the planning submission followed on 15 October 2008, visited by some 90 persons.

## 2.0 PUBLICITY AND CONSULTATION

2.1 `The applications' (planning, conservation area and listed building consent applications) have been publicised by means of site notices and press adverts. The applications have been referred to the Mayor of London for his consideration. Individual notification letters (over 700) have been sent to adjoining and surrounding occupiers (including the occupiers of the existing buildings on the application site), statutory bodies, local amenity and resident groups.

2.2 At the time of writing this report, 42 letters of objection (including one letter from a ward councillor) and 7 letters of support have been received from local residents and businesses, raising comments on the following grounds:

#### In Support:

- Much needed investment in the area;
- Improvements in appearance/tidy up neglected site;
- Existing hall expensive to maintain and no longer fulfils requirements of community;
- Provide more residential accommodation and better church facilities.

#### Objections:

- Proposals do not conform to the UDP.
- Adverse impact on character and appearance of the conservation areas.
- Will affect setting of listed buildings.
- Will impact on outlook and views of nearby historic church.
- Existing trees protected by TPOs.
- Existing buildings have architectural and historic importance to the local area.
- Represents a gross overdevelopment - will lead to too much traffic with poor access arrangements.
- Development too big. Bulk and scale excessive. Out of keeping with the local character and architecture.
- Another building of the scale of Parkview Court will have a negative impact. Will dwarf local historic buildings.
- Design is ugly and out of keeping.
- Height and proximity of proposed development to neighbouring residential properties will impact on outlook and deprive daylight and sunlight.
- Increase noise levels due to proximity of neighbouring residential properties.
- Retail space should be designed as separate and smaller units, not one large supermarket.
- Large store will not preserve character of Fulham High Street.
- No need for a large supermarket between Putney and Hammersmith. Area already well served by retail stores.
- Another Tesco store not necessary - existing Tesco stores within vicinity of the site (Fulham Road/Fulham Palace Road).
- No need for kiosk - existing convenience shops in the street.
- Supermarket will kill off local shops.
- Insufficient benefits provided to the local community.
- Additional parking spaces will lead to increase traffic levels. Fulham High Street unable to absorb traffic levels; will lead to gridlock.
- Levels of car parking proposed and movement of vehicles to the retail store will encourage car use and breach PPG13. Supporting statements do not support need for such high levels of car parking.
- Traffic level figures included in support of proposal are underestimated.
- Proposed vehicle entrance is dangerously sited. Road has existing heavy and fast traffic flows approaching from the south. Entrance is on a blind corner.
- Level of delivery vehicles will impact on Fulham High Street.
- Increase noise and air pollution levels from additional traffic.
- Proposed loading bay (in terms of no. and times of deliveries and size of vehicles) too close to neighbouring residential properties.
- Residential units should be prevented from applying for resident parking permits.
- Untenable burden on stretched public transport services in the area. including underground services.
- Potential flooding from basement car parking.
- Increase safety and security implications.
- Adverse impact on adjoining allotments and water table.



- Disruption from construction work (noise and pollution) to neighbouring residents, allotment holders and businesses.
- Devalue businesses and properties.
- Proposed opening times excessive. Opening hours and delivery access should be controlled.

2.3 In addition, the following comments and objections have been received from: Greg Hands MP, Peacock & Smith Consultants (for Morrison's), the Greater London Authority (GLA), Transport for London (TfL), the Environment Agency, the Borough of Wandsworth, Thames Water, English Heritage, the Victorian Society, Historic Buildings And Conservation Committee, Hammersmith and Fulham Historic Buildings Group, the Fulham Society, Fulham Palace Management Board, Fulham Archaeological Rescue Group, Fulham Palace Meadow Allotments Association, the Crime Prevention Design Advisor, and the Council's Disability Forum.

2.4 Greg Hands MP states that the site would benefit from redevelopment, but objects on the following grounds:

- Additional traffic on Fulham High Street. Questions practicality of both new road junction (to serve food store) and effects on existing junctions. Fulham High Street is extremely congested even outside peak hours.
- Caution on design of proposed development given presence of listed buildings and other architectural merit.
- Potential damage to moat at Fulham Palace.
- Restrict sell of liquor due to sensitive location.

2.5 Peacock & Smith Consultants (on behalf of Morrison's Supermarket PLC, Concorde Centre in Shepherds Bush), object on the following grounds:

- Question Council's proposed designation of Fulham High Street as a Key Local Centre and,
- Strongly disagree with Tesco's assertions that the site should be identified as an in-centre location.
- Premature and inappropriate to review application in context of proposed shopping hierarchy. Consider site as an edge of centre, in terms of PPS6 and emerging Development Plan. Need to address all key retail test including qualitative need.
- Qualitative need. Large number of retail stores in close proximity to the application site. No evidence provided that these stores are overtrading.
- Recognise quantitative need but state that applicants have not satisfactorily address the scale test. Add that proposed store will be the second largest in the Fulham area and will draw a significant amount of trade from the town centres in the borough.
- Impact. Proposed store will have a negative impact and alter the role of the Fulham Road Key Local Centre within the hierarchy of centres and is wholly inappropriate for this location.
- Accessibility. Located on busy junction and proposed store is likely to generate a large amount of traffic and exacerbate this issue.

2.6 The application was referred to the Mayor of London for comments. The GLA have indicate that the application does not comply with the London Plan for the reasons set out below, but that possible remedies could address these deficiencies.

- The maximum reasonable amount of affordable housing needs to be verified.

- Children's play space needs to be revisited (on site provision).
- Provision of private/shared amenity space for residential units.
- The retail assessment is acceptable.
- Concerns in relation of the urban design (treatment to glazed stair cores above remaining section of gatehouses with the use of terracotta louvres)
  - Energy strategy needs to be clarified.
- Transport and parking need to be minimised in line with the London Plan policies.
- Employment and training strategy needs to be submitted.

2.7 Transport for London (TfL) states that the transport assessment does not follow TfL's Best Practice Guidance (2006) and unable to fully assess impact of development on public transport services based on the information provided. TfL also indicate that there are a number of issues that need to be addressed before they can fully support the application. Include that the level of car parking for the retail use is too high for the PTAL location. Car parking spaces should be reduced to a maximum 91 spaces in order to comply with London Plan standards; future residents be made ineligible for car parking permits; details be provided how disabled persons parking spaces are split between the different uses; setting up of a car club be investigated; amount of cycle parking for retail use be raised with clear provision of showering and changing facilities for staff, clearly defined signage and secure storage space; requirement of local improvements for pedestrians such as footway resurfacing, better street lighting and upgrade of crossings; reassessment of nearest bus stops; provision of separate residential and workplace travel plans; provision of a Delivery and Servicing Plan (DSP) and a Construction Logistics Plan (CLP).

2.8 The Environment Agency object due to the absence of evidence to demonstrate that the flood risk Sequential Test has been applied. Environment Agency also objects on grounds that the Flood Risk Assessment submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The submitted FRA also fails to address the surface water drainage design accurately.

2.9 The Borough of Wandsworth and Thames Water have raised no objection to the proposal.

2.10 English Heritage (historic buildings advisor) do not wish to offer any comments on the applications. English Heritage (archaeological advisor) confirm that the site lies within a Scheduled Monument and an Archaeological Priority Area. Advice that archaeological impacts can be mitigated by programme of open area excavation work and recording prior to development followed by programme of post excavation assessments (conditions).

2.11 Victorian Society object to the design, relating to the Territorial Army Centre Pavilions. Feel that more of the historic fabric should be retained and that the scheme could be more sensitive to the character of the buildings. Buildings on the site should be treated on their entirety and not be treated to the reduction of two small sections of the façade. Add that the proposed building is inappropriate in size and design. The articulation of the pavilions should remain as distinct elements rather than being subsumed in a tower of terracotta louvers. Appraisal of the importance and character of the historic buildings needs to be carried out.

2.12 Historic Buildings And Conservation Committee (act on behalf of the Council for British Archaeology) object to the proposals. State that they have serious doubts about the impact the redevelopment would have both in context of listed buildings and that of the surrounding conservation areas. A better and more sensitive scheme is deemed necessary for the site.

2.13 Hammersmith and Fulham Historic Buildings Group (HFHB&G) object on grounds of:

- Overdevelopment: out of scale within existing street pattern, in terms of the `grain' of the area (reference to Parkview Court) and extends into open space and part of the Fulham Palace Ancient Monument. Proposals produce uncomfortable entrance to the vicarage and church hall, with servicing area to supermarket and cars entering and leaving the underground car park.
- Loss of Public Open Space: proposal to build on and under the `paddock', part of the Fulham Palace grounds, results in the loss of open space, contrary to UDP Policy EN22 and EN22X. Proposed to re-instated landscaping `suburbanises' what is now a natural area of grass.
- Damage to Historic Gardens of Fulham Palace: The `paddock' is part of the Registered Historic Garden of Fulham Palace. Proposed car park below the paddock and new church hall would change the open `rural' character of this part of the grounds, contrary to UDP policy EN2D. Rural character and open aspect would be lost by landscaping proposals, partitioning off part of the paddock from the rest of the Fulham Palace grounds.
- Damage to the Ancient Monument: Would result in irreversible damage to Fulham Palace Moated site, the Borough's only Ancient Monument. Do not object to a replacement church hall being built, provided it is on the same footprint as the existing one and that the construction work does not damage the route of the moat. H&FHBG believe that the whole alignment of the moat is intact and should not be breached. The position of the filled in moat is supported by the evidence of old maps. Do not accept supporting reports that the route of the moat is not on the paddock. Conclusions not based on accurate local knowledge of the history of the site. The site of the Moat should be safeguarded. Policy of the Fulham Palace Board and Group is to support the plan of one day restoring the moat round Fulham Palace and nothing should be allowed which inhibits this being done in the future. The Fulham Palace Landscape Plan, propose indicating the line of the Moat by planting of bluebells so that in spring it will be possible to see where the moat was. Plans also to dig out the moat on either side of the moat bridges. The line of the moat should also be indicated in some form where it continues outside the Palace land until such time in the future when it may be possible to restore it.
- Damage to the Setting of the Listed Temperance PH: should remain free standing so that it can be viewed from both sides. The proposed development builds right up to it, looms over it and dwarfs it and would damage its setting, contrary to UDP policy EN3.
- Damage to the Buildings of Merit: the previous consent scheme incorporated the TA pavilions in an acceptable way as an entrance from Fulham High Street. Present proposal demeans them by losing any sense of them being free standing and `pastes' their façade on to a glass wall, thus destroying any vestiges of their architectural integrity, contrary to UDP policies EN6 and EN2C.
- Loss of Trees: A considerable number of mature trees are to be lost with little new planting proposed contrary to UDP policies EN25 and EN26. Suggest that if possible street trees should be planted all along Fulham High Street as part of any scheme.

- Inadequate landscaping/amenity space for this development: 'Green roof,' not proposed as amenity space for the flats. Whilst providing an ecological enhancement and reduction of surface run off will appear rather bland does not provide mitigation for the bulk and mass of this development.
- Streetscape: Street Smart: Design of the public areas and the pavement in front of the development should follow the guidance of Street Smart in relation to design and materials.
- Damage to Bishops Park Conservation Area (BPCA) and Fulham Park Gardens Conservation Area (FPGCA): proposal does not respect the historic context of the conservation areas nor their scale, height, setting and existing open space and is therefore contrary to UDP policy EN2.
- Effect of Traffic on Conservation Areas: will have a damaging impact on Fulham High Street and the surrounding conservation areas.

2.14 Fulham Society welcome redevelopment of site but object to current proposals on the following grounds:

- Supermarket in this location would be detrimental to small shops in the locality. Store of this size would be more appropriately located in a town centre location.
- Fulham High Street already experiences considerable traffic congestion, including outside peak hours. Proposal would exacerbate the existing situation.
- Traffic safety issues particularly relating to bend in the road.
- Applicants had previously indicated a linked traffic management scheme for the wider area. Does not appear to be included in the current submission.
- Design is bland and uninspiring, especially Fulham High Street elevation. Object to design of window bays on front elevation. Southern elevation of residential block detrimental to setting of Temperance Public House.
- Two Pavilions to the front of the site should be retained to a considerable depth. Current proposals are a mockery of preservation/conservation.
- Replacement church hall and associated facilities should be located on Fulham High Street, closer to All Saints Church.
- The whole course of the Fulham Palace moat should be retained. Inaccurate to claim that no part of the moat is within the curtilage of the site.
- Development would have an adverse impact on views from grounds of Fulham Palace.

2.15 A second letter of objection has been received from the Fulham Society, following a presentation given to them by the applicant and traffic consultants on 9 March 2009. The Fulham Society add that the computerised models presented to them does not reflect the day to day vehicular traffic situation and the likely additional traffic generated by the development; the proposed signalised junction would lead to additional delays and add to the traffic problems in Fulham High Street; express concern about the level and use of the proposed 143 shoppers parking spaces and comparisons made with the parking provision in the Putney Exchange. If supported charges should be incorporated to all visitors to deter commuters and parking on match days and finally a substantial contribution should be made relating to improving traffic flows beyond the application site, across Putney Bridge, including the rephrasing of traffic lights.

2.16 Fulham Palace Management Board object to the part of the application that affects the field known as the 'paddock' which, is within the historic curtilage of Fulham Palace. Request that this application in its present form is refused because of the loss of part of

the historic asset of the moat, and the damage to the Ancient Monument and the Registered Historic Park.

2.17 Fulham Archaeological Rescue Group object on the archaeological aspects of the development. State that they are the "only archaeological body that has cut a section through the entire width of the Fulham Palace Moat and conducted research into its origin". Add that MOLAS's excavation in the Paddock was limited and was not extended far enough east to the boundary with Parkview Court. Consider that whole alignment of moat appears intact and destruction of part of it would set a dangerous precedent and conflict with Council's long terms aims of opening up the moat or parts of it.

2.18 Fulham Palace Meadow Allotments Association (consist of some 420 plot holders). Object on grounds that development will impact adversely on allotments on grounds of:

- negative impact on ground water. Limited information provided on impact on the water table. Basement construction will interfere with aquifer and adversely affect supply of water to allotment hand pumps. Aquifer currently benefits from rainwater collected from the paddock area. Redevelopment of this area will impact the groundwater available to the pumps in the immediate vicinity.
- Concerned about potential for pollution of the groundwater during the construction works and from removal of existing/former uses on the site.
- Negative impact from proposed structures, including air borne pollution during the construction works.
- Escape staircase and ventilation from basements will lead to direct shade to a number of allotment plots, will generate noise and air pollution.
- Replacement Church Hall will directly shade a number of allotment plots and will lead to overlooking issues.
- Wall to the car park ramp will directly shade a number of allotment plots and is visually intrusive.
- Basement Car Park will result in continuous noise and exhaust pollution.
- Development will result in negative impacts on biodiversity with significant loss of mature trees.

2.19 The Crime Prevention Design Advisor has requested that the development be carried out to 'Secured by Design' standards.

2.20 The Council's Disability Forum have requested that an evacuation lift be put in; all units be built to Lifetime Home Standards; bathroom sizes of accessible accommodation need to meet standards; Blue badge car parking in lower basement should be positioned closer to the lift; storage space should be of an adequate standard in accessible accommodation; access to the Community Hall should be re-examined with the provision of a designated pedestrian route.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues for consideration in relation to this proposal are:

- Whether the development would accord with the relevant policies in the Unitary Development Plan, as amended 2007 (the 'UDP') and the London Plan, as amended 2008;
- The principle of the proposed uses in land use terms;

- The impact of the proposed development on the character and appearance of the Bishops Park Conservation Area and adjoining conservations area, listed buildings and Buildings of Merit, in terms of its design, height and scale;
- The level of affordable housing proposed;
- The standard of residential accommodation proposed;
- The potential impact on the amenities of surrounding residential properties;
- The impact of the development on heritage;
- The potential impact on existing protected trees in the vicinity; and
- Traffic, servicing and car parking demand generated by the proposed development.

## LAND USE

3.2 The proposals involve the redevelopment of the site to provide the following:

1. A Supermarket totalling 4,073 sq.m gross (with a net sales area of approx. 1622 sqm.)
2. A 17 sq.m gross glazed kiosk (Class A1)
3. 55 Residential units (Class C3)
4. A 618 sq.m replacement Church Hall (Class D1)
5. Alterations to the access onto Fulham High Street and associated parking in the form of a double basement car park and 1 ground level parking space for 181 cars in total (including 18 disabled parking spaces) and 137 cycle spaces, and landscaping.

## RETAIL

3.3 The main land use issue relates to the principle of a Class A1 retail store of this size and scale in this location.

3.4 The UDP designates a retail hierarchy consisting of town centres, key local shopping centres and protected shopping parades and clusters. The application site is not located within any of these centres and is on the edge of the Fulham High Street protected parade and cluster. Policy TC1 states that 'the preferred location for developments which are major generators of travel and transport demand is within town centres'. In addition, London Plan policy 3D.1 states that boroughs should include policies 'to encourage retail uses in town centres and discourage them outside the town centres'. In this context, Fulham High Street is not a town centre as defined in the UDP or London Plan, nor as defined in PPS6 'Planning for Town Centres'.

3.5 The site is located approximately 1 km. to the west of Fulham Town Centre, and lies just outside a protected shopping parade and cluster, covered by UDP policy SH3A. The protected parade comprises 6-66 Fulham High Street (Parkview Court), 963-969 Fulham Road, 1-9a Fulham High Street, 15-35 Fulham High Street, 41-47 Fulham High Street and 49-67a Fulham High Street. The protected parade contains a range of shops and businesses, but these are primarily specialist in nature. In supporting their case, the applicants indicate that the proposed store would strengthen and regenerate Fulham High Street, but in terms of the UDP this is an out of centre location.

3.6 There is no site specific allocation for the application site in the UDP. However, part of the site (84-88 Fulham High Street) was included within the Council's LDF Site Specific Allocations Preferred Options document (June 2007), as Preferred Option Site 16. Within the preferred options, the site was recommended for a mix of uses, including retail at ground floor level (to create an active street frontage) and residential uses on the upper floors. This part of the site also benefits from an extant planning permission for a mixed use development, comprising residential, offices, retail and restaurant.

3.7 The LDF Core Strategy Preferred Options (June 2007) was published at the same time as the Site Specific Allocations. This had suggested an adjustment to the borough's shopping hierarchy, including the linking of Fulham High Street protected parade with Fulham Road West key local shopping centre to create a new Key Local Centre to be known as Fulham High Street. However, the application site was not identified as falling within the centre.

3.8 Since June 2007, the Council has given further consideration to its proposed spatial planning strategy. This has led, amongst other things, to a further review of the shopping hierarchy and to the proposed retention of Fulham High Street as a lower level shopping parade, rather than its promotion as a key local shopping centre. Therefore, the application site is outside the boundary of any centre in either an adopted or emerging development plan and is not edge of centre, but rather it is located in an out of centre location.

3.9 The proposed Tesco store would total 4073 sqm. gross with a retail sales area of 1622 sqm. net and would predominantly comprise convenience goods retailing, complemented by a small comparisons sales area (some 10% or 168 sqm) with the remainder devoted to convenience goods and grocery sales (i.e. 1454 sqm. net). The store would be served by 143 parking spaces at basement level, including 5 family spaces and 15 disabled parking bays. There would also be 28 bicycle spaces for customers and staff.

3.10 Chapter 3 of PPS6 sets out the main 'tests' that are required, namely to demonstrate the need for development, whether the development is of an appropriate scale, a sequential approach to the site selection, whether there is no unacceptable impact on existing centres, and whether locations are accessible. Paragraph 3.9 of PPS6 states that need for development must be demonstrated for any application for a main town centre use which would be in an edge-of-centre location and which is not in accordance with an up-to-date development plan document strategy.

3.11 Since the site is not within a town centre in the UDP and the proposal exceeds the 2,500 sqm. gross threshold, set out in paragraph 3.23 of PPS6, a retail planning assessment has been undertaken by the applicants to demonstrate:

- a) the need for development (paragraphs 3.8-3.11 of PPS6);
- b) that the development is of an appropriate scale (paragraph 3.12 of PPS6);
- c) that there are no more central sites for the development (paragraphs 3.13-3.19 of PPS6);
- d) that there are no unacceptable impacts on existing centres (paragraphs 3.20-3.23 of PPS6); and
- e) that locations are accessible (paragraphs 3.24-3.27 of PPS6).

3.12 In summary, the retail planning assessment states that there is a quantitative and qualitative need for a retail unit in this location and that there are no sequentially preferable sites within the surrounding retail centres that could accommodate the development. Evidence is provided on need and includes reference to the West London Retail Needs Study which was commissioned by the Council in conjunction with London Boroughs of Ealing and Hounslow and produced by GVA Grimley in 2006.

a) the need for the development

3.13 The applicant's retail planning assessment states that there is a quantitative and qualitative need for the retail unit in this location. The evidence provided on need, including the Primary Catchment Area (PCA) for the proposed store from which the store will derive the majority of its trade, is derived largely from the West London Retail Needs Study. Within the PCA, the main food stores include Sainsbury's (Townmead Road), Waitrose and Sainsbury's in Fulham Town Centre plus Iceland and Somerfield, also situated in the town centre. The applicant has also undertaken a telephone household survey and a public consultation event in order to supplement this information.

3.14 To establish a quantitative need for the development the applicant indicates that there will be significant residual spend in 2011 and 2013 over and above existing commitments which would support the forecast turnover of the proposed store. Further to this, the applicant has calculated that there is a 34.4% 'leakage' of shopping trips and expenditure from the defined PCA, primarily to stores south of the river and that the proposed store would help claw back a proportion of these trips and expenditure.

3.15 In order to assess the applicant's retail planning assessment the Council has appointed its own retail consultant to advise on need and other matters. The retail consultant's assessment of the quantitative need for the development is that there is not a need of the scale proposed by the applicant.

3.16 In terms of qualitative need, the proposal would enhance consumer choice in the form of a modern foodstore. However, the Council's consultant feels that in reality the development could simply erode the retail offer and attractiveness of Fulham town centre as the main destination for food shopping trips within the PCA. This would have a concomitant impact on the number of linked trips to other businesses within the centre. It could also impact on lower level key local shopping centres.

b) that the development is of an appropriate scale

3.17 The applicant has indicated that the proposed store's convenience goods sales area of 1454 sqm. net (4000 sqm. gross) is the minimum quantum of floor space needed by Tesco to sell their range of products. The applicant has stated that this scale is necessary in order to compete with the other large convenience retailers. Compared to the other stores in the locality, the scale of development is considerable, for example the Waitrose store in Fulham Town centre operates with a net convenience floor space of 1308 sqm. and the Sainsburys in Fulham town centre has a net sales area of 1052 sqm. In comparison with the nearby out of centre Sainsburys, the net floor space proposed (convenience and comparison) is 840 sqm. more. The proposal would be well in excess and out of context with any convenience goods provision within the closest Key Local centre.

c) that there are no more central sites for the development

3.18 The main objective of the sequential approach is to maintain and enhance the vitality and viability of the town centres by concentrating retail development within them or on their edges so that linked shopping and other trips occur. The sequential approach taken by the retail assessment dismisses a number of sites for an alternative retail store based mainly on their size. This result is not surprising given the general make up of the area, which is dominated by historically small terraced units, and because of the size of the proposed store. However, a reduced size of store, based on a smaller quantitative need, might be possible on a more sequentially preferable location.



d) that there are no unacceptable impacts on existing centres

3.19 The applicant's retail statement has assessed the potential trade division of convenience expenditure from other centres and stores as result of the proposed development. They have also made conclusions based on centre health check information which they have updated from the West London Retail Study 2006. They have concluded that there is limited convenience offer in the immediate shopping parade of Fulham High Street and suggest that increased footfall and spin off expenditure would improve the vitality of the parade. Further they believe that other stores in the PCA and over the borough boundary in Putney Town Centre are trading above average turnover levels and can withstand any forecast trade diversion.

3.20 However, there are concerns about the impact of the proposal on the smaller convenience stores in the neighbouring parade (Fulham High Street) and Key Local Shopping centre (Fulham Road). The parade and KLSC's convenience turnover is estimated to mainly rely on expenditure from top-up shopping. The introduction of a modern food store, open long hours, which seeks to compete in this sector of the market, will lead to a significant over-lap in local provision. Whilst a large supermarket will also compete on a 'like for like' basis with other types of similar store, it is clear that the trading profile when coupled with the overlapping nature of the top-up catchments, will lead to direct competition with local shops in the neighbouring centres. Given that many of these local shops are likely to trade at very small net margins, the loss of even a limited proportion of their turnover will have significant implications for their vitality and viability. The proposal is therefore considered to be unacceptable in this location given its potential impact on neighbouring centres.

e) that locations are accessible

3.21 The site is located in an area of good public transport (PTAL 6).

3.22 In conclusion it is considered that there is no clear cut quantitative need for the proposed food store and the scale of the development is excessive. As a consequence the proposal is likely to have an adverse impact on existing centres contrary to UDP policies TC1 and G9A, London Plan policies 3D.1 and 3D.2 and PPS6.

Housing

3.23 The proposal includes the provision of 55 residential units, 52 on the upper floors above the food store, running from the 2nd floor up to the 6th floor and 3 residential units above the church hall. This represents a net gain of 54 units, as there is one existing flat above the Church Hall. The extant planning permission would provide 46 residential units.

3.24 Planning Policy Statement 3: Housing (PPS3) seeks to ensure that housing is developed in suitable locations, which offer a range of community facilities and with good access to jobs, key services and infrastructure.

3.25 Policy 3A.1 of the Mayor's London Plan states that 30,500 net additional homes should be delivered per annum in London. Of this, the Council has a target to deliver 450 net additional dwellings per annum. The proposed new residential units would contribute to this target. Policy 3A.2 of the London Plan states that boroughs should seek to exceed the housing targets set out in Table 3A.1 of the plan, to address the suitability of housing development in terms of location, type of development, housing requirements and impact on the locality, and to identify new sources of housing supply.

## Affordable Housing

3.26 With regard to affordable housing provision, policies 3A.9, 3A.10, 3A.11 of the London Plan are all considered to be of particular relevance to the proposal in the absence of any specific UDP policy. Policy 3A.9 requires that Council's targets are based on an assessment of housing needs and supply and that they should take account of the Mayors strategic targets for 50% affordable and the London wide objective of 70% social housing and 30% intermediate provision. Policy 3A.10 advises that Council's seek the maximum reasonable amount of affordable housing, having regard to their targets, adopted in line with Policy 3A.9, and taking into account the need to encourage development and the individual circumstances of the site. Policy 3A.11 states that boroughs should normally require affordable housing on a site which has capacity to provide 10 or more homes, applying the density guidance set out in Policy 3A.3 of the London Plan and Table 3A.2.

3.27 In this proposal 13 residential units (24%) is identified to be affordable. These integrated are integrated with 39 private units, in the main block above the proposed food store. The social rented units would be provided on the 2nd floor and shared ownership units on the 3rd floor. The remaining 3 private units would be connected to the church use above the replacement church hall. This represents a 24%-76% split of the overall unit numbers between affordable and private housing (or a 23%-77% split in terms of the overall number of habitable rooms).

3.28 The tenure mix for the affordable housing would consist of 7 social rented (54%) and 6 shared ownership (46%). This proportion of affordable homes for the development falls somewhat short of the Mayor's overall 50% target and outside the 70:30 tenure split. The GLA has pointed out that the level of affordable housing is below their targets and has not been justified in line with policy 3A10 of the London Plan and further justification through acceptable financial appraisal is required. The GLA indicate that in particular family housing provision is below target but recognise the difficult to provide access to private amenity space in the scheme.

3.29 The applicants however, states that this is an appropriate provision for this site, as the residential accommodation would be located within an urban area, above a commercial use on a constrained and sensitive site and therefore, it is considered difficult to provide in particular larger family sized affordable units with access to private amenity space. The applicants have provided an economic assessment to justify this provision based on the Three Dragons Toolkit. The Council has had independent consultants evaluate this appraisal. The conclusions are that although the assessment submitted is limited and inconsistent based on the general terms of the scheme, the proposal would only have a marginal viability and therefore it is most unlikely that there would be scope to increase the level of affordable housing beyond that already provided in the application. Therefore, although the GLA has indicated that there is presently no justification for a departure from it's targets, officers consider that the proposed mix of tenure, if properly secured would have been acceptable, subject to the applicants confirming that the shared ownership units would be affordable to the Council's intermediate affordability tiers. Furthermore, officers recognise that there are constraints on the development in delivering larger sized family accommodation but would ideally wish to see a greater proportion of family sized accommodation in the social rented tenure and less 1 beds if possible.

## Density

3.30 Policy 3A.3 of the London Plan seeks to ensure that proposals achieve the maximum intensity of use compatible with local context, and the Borough's adoption of the residential density ranges set out in Table 3A.2 based on site accessibility, proximity to town centres and existing building form and massing. For an urban site with a public transport accessibility level of 6, as in the case of the application site, the density matrix specifies between 200-700 habitable rooms per hectare as an appropriate density range. In terms of density the scheme equates to 149 habitable rooms (or 216 habitable rooms per hectare) for the whole site which sits at the lower end of the London Plan scale for the urban area in which the site is located. This figure does not however, take into account that the commercial area form of the ground floor of the site or the replacement church hall but would nonetheless fall within this range.

## Access for all

3.31 UDP policy HO6 and the Council's adopted supplementary planning document (SPD) 'Access for All' is relevant in consideration of the acceptability of the scheme in terms of disabled access. Policy HO6 states that in developments for 20 or more residential units, permission will only be granted if:

- a) 10% of the units are designed to be suitable for occupation by wheelchair users and
- b) A mixture of unit sizes is provided to meet the needs of family and non-family households.

3.32 Of the 55 residential, are specifically designed to wheelchair accessible, with a mix of unit sizes across the tenures. The provision of 5 wheelchair units does not accord with policy HO6 (2) (a). The rest of the residential units would be built to 'Lifetime Home' standards with generally good internal specifications. The only criticism relating to the internal layout concerns the amount of storage and bathroom space provided which could be improved. Level access entrances would be provided to the development from Fulham High Street and via the northern end of the building. In the case of the church hall, the proposed primary pedestrian route would be across a shared surface which is not considered a satisfactory solution and a more suitable form of pedestrian access should be provided.

3.33 In the case of parking provision for the wheelchair users, 3 residential parking spaces in the basement car park would be designated for wheelchair users plus 1 space at ground level o/s the new church hall. Having regard to the Council's supplementary Planning Document 'Access for All.', UDP and policy HO6, this provision does not accord with car parking standards S18.1 and Table 12.1 which, requires 1 bay per wheelchair accessible dwelling unit in addition to the 3 Blue Badge bays for disabled persons dwellings. Officers are of the opinion that as there are few residential streets around this site where the Council's policy is to allow Blue badge holders to park, it is considered that there should be another 4 accessible bays for the remaining residential units, making 10 spaces in total; in effect a shortfall of 7 spaces.

## Standard of Accommodation

3.34 Standard S7A of the UDP relates to internal space provisions and requires a minimum size be provided for flats of varying sizes. In this case, all 55 of the proposed units exceed these requirements. Overall it is also considered that the proposed units would receive sufficient daylight and outlook. In respect to aspect, the development would have a predominantly east or west orientation with outlook and privacy of proposed units being adequately protected. A small number of the residential units are however, single aspect. One residential unit on each of 3 of the upper floors (2nd, 3rd,

4th floor) would face solely in a northerly direction. The rest of the units are better orientated facing east, south or west or are designed as dual aspect. Although this is not an ideal solution, on balance this small breach is considered acceptable in the circumstances and in accordance with Standard S13.3.

#### Amenity Space

3.35 Standards S5A.1 and S5A.2 of the UDP require a directly accessible, private amenity area or garden area of no less than 36 square metres for new family dwellings at ground floor level and no less than 14 square metres for new non family dwellings. For 36 of the 52 residential units above the food store, the proposal would provide private amenity in the form of private balconies or terraces. The provision of 350 sqm. of private amenity space for the 52 residential units above the food store does not however, accord with Standard 5A.2 of the UDP and the overall provision of amenity space is therefore, considered unacceptable. Based on UDP standards the minimum requirement should accord with 770 sqm. No communal roof garden of the first floor level would be provided to meet this shortfall, as this space would remain as a 'green' roof for visual value only, in order to protect the amenity of surrounding residential occupiers in Church Gate and Steeple Close from overlooking and loss of privacy. The 3 residential units above the church hall would have access to the proposed multi functional landscape space 'Paddock area' associated with the church hall. Whilst noting the deficiency in amenity space provision, it is also noted that there is a large public open space located in close proximity to the site (Bishops Park) and it is therefore, considered that this under provision could have been off set through a financial contributions towards improvements to the nearby park, had the overall scheme been considered acceptable.

#### Children's play area

3.36 Similarly UDP policies EN23 and EN23B plus policy 3D.13 of the London Plan relate to the provision of open space within new developments to meet the needs of occupiers and users. Policy EN23B specifically relates to children's play space. No such provision is made within the development for the reasons outline in paragraph 3.35, although the scheme does propose the reinstatement and landscaping of the paddock area, but this will only be for the church hall residents and users and not for the development as a whole. Had the development been considered acceptable it is considered that this provision could have been met through a financial contributions towards improvements to the nearby park (Bishops Park).

#### Replacement Church Hall - Community Facilities

3.37 UDP policy CS5 aims to safeguard existing community facilities whilst policy CS10 emphasises the need for the provision of day care accommodation, crèches, and nurseries and play groups/play areas and adds that 'where the need exists, require the retention or replacement of the above facilities, if redevelopment occurs'.

3.38 The application proposes the demolition of the existing All Saints Church Hall and replace it on the same site with a modern facility, but on a reduced footprint, turned 90 degrees. The existing hall is over 80 years old and whilst well used does not meet current 'access for all' standards. The existing hall provides a wide range of local community facilities, mainly connected with the local parish and includes the Roche nursery school. The new 618 sqm. replacement church hall is designed to re-accommodate all the current users and aims to expand its use. The hall would meet accessible requirements and also provides ancillary administrative facilities, meeting

rooms and storage space. This element of the scheme therefore, accords with UDP policies in land use terms.

3.39 In summary there are land use policy concerns with the proposal, in particular with respect to the need for a supermarket of this scale and in this location and in the mix and provision of affordable housing on the site.

## DESIGN

3.40 The proposal involves the demolition of all of the existing buildings on the site except for the front facades of the two pavilions on Fulham High Street. It is located adjacent to listed buildings; The Temperance public house (90b Fulham High Street), 5 and 6 Church Gate and the listed Powell's Almshouses beyond, all Grade II. Therefore, both conservation area consent for demolition works and listed building consent are required as well.

3.41 Policy EN2 (Development in Conservation Areas) of the UDP relates to development in conservation areas. The policy seeks to ensure that in considering new development, the character and appearance of a conservation area is either preserved or enhanced. Policy EN2C deals with facadism in conservation areas and states that the demolition of a building behind a façade will not normally be supported unless there are no alternatives to safeguarding the future of the whole building. Policy EN3 relates to protecting listed buildings and includes the setting of listed buildings of architectural or historic interest. Policy EN6 states that in conservation areas, where consent is required to demolish buildings, the Council will not normally consider it appropriate to permit the demolition of Buildings of Merit. In the case of alterations to BOM's, these would be expected to be sympathetic in scale, character and materials.

3.42 Policy EN8 'Design of New Developments' states that development will not be permitted unless it is of a high standard of design, and compatible with the scale and character of existing development and its setting. The use of innovative and contemporary materials will be welcomed, provided these enable design to be sensitively integrated into the existing built form and landscape. All proposals must be formulated to respect:

- (a) the historical context of the area and its sense of place; and
- (b) the scale, mass, form and grain of surrounding development; and
- (c) the relationship of the proposed development to the existing townscape, including the local street pattern and landmarks and the skyline and sky space; and
- (d) The prevailing rhythm and articulation of frontages; and
- (e) Local building materials and colour; and
- (f) Sustainability objectives; and
- (g) The principles of good neighbourliness

3.43 Aside from this, there are issues relating to the impact of the development on the setting of the adjacent English Heritage Grade II \* listed Historic Park and Garden at Fulham Palace, English Heritage Grade II listed Historic Park and Garden at Bishops Park and impact on the Scheduled Ancient Monument at 'Fulham Palace Moated Site' in terms of archaeological remains and preserving the line of the moat together with the fact that the site is situated adjacent to Metropolitan Open Land, Nature Conservation Area and Thames Policy Area. Therefore, UDP policies EN2D, EN7, EN22, EN22X, EN24, EN27, EN28A, EN29, and EN31X are also applicable.

3.44 As well as the UDP policies, Chapter 4B of the London Plan is also relevant, which requires that developments should, amongst other things, maximise the potential of sites, create or enhance the public realm, respect local context, character and communities. National guidance (PPS1, paragraphs 36 and 38) also states that 'while design which is inappropriate in its context or fails to take the opportunity available for improving the character and quality of an area and the way it functions should not be accepted' it also advises that 'local planning authorities should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain forms of development or styles'.

3.45 With regard to the design of new buildings that intend to stand alongside listed buildings, Planning Policy Guidance (PPG) 15 says 'this can be done provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. This does not mean that new buildings have to copy their neighbours in detail: some of the most interesting streets in our towns 'include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group.'

3.46 With regard to new development in gap sites, or where the buildings on the site make no positive contribution, or detract from the character of the conservation areas, PPG 15 at paragraph 4.17 states 'their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that the new buildings should not directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own'.

3.47 The application site is positioned on an important gateway into and out of the borough (via Putney Bridge). The site is located in the Bishops Park conservation area, opposite the Fulham Park Gardens conservation area and close to Putney Bridge conservation area. Any key views from these areas in particular view from the Historic Park and Garden at Fulham Palace are important considerations in the development of a scheme for the site. The majority of the site has a prominent conservation area frontage and is designated as an opportunity site in the Bishops Park Conservation Area Character Profile (paragraph 6.53). With the notable exception of the former TA pavilions, the site, nevertheless, has a poor image in townscape terms due to the number of relatively unattractive buildings of little architectural merit, in particular the car sales area and the prefabricated building of the former Wharf Study Centre. These buildings do not contribute positively to the street scene or to the character or appearance of the conservation area, and have a negative impact upon its appearance. To the rear of the site is a large warehouse (the former drill hall to the TA pavilions) and the 1920's church hall. Although of some historic and limited architectural interest, they are not considered worthy of retention. Therefore, with the exception of the two TA pavilions, the replacement of the existing buildings on the site with an acceptable redevelopment proposal could have a positive impact on the appearance of the street scene.

3.48 The buildings on Fulham High Street vary in height, context and plot size. On the west side the buildings vary from a 7 storey mansion block (Parkview Court), located to the north of the site, dropping down in height to the 2 storey listed Temperance public house at the southern end. In comparison, the rear of the site (to the west and north

west) and surrounding area is predominantly low key and residential in character, interlinked with the surrounding open spaces associated with Fulham Palace grounds and allotments. On the opposite side of Fulham High Street (to the proposals) the buildings are more consistent in height, scale, architectural detail and are contained in smaller plot sizes. It is considered that both sides of Fulham High Street set the context for the proposed development.

3.49 The design and access statement accompanying the applications states that the current proposal has evolved from the previous consented permission. It claims to have carefully considered a number of shortfalls with the extant permission in terms of its design, massing and proximity to neighbouring residential occupiers at the rear, a consolidation of vehicular access routes onto Fulham High Street, including the route through the gatehouses (because of a right of way exercised at the time by the previous owners of 5 Church Gate) and now meets current Environment Agency requirements in respect to flood risk issues. Based on the applicant's findings from a townscape analysis, it is proposed to erect a predominantly 7 storey building along the back edge of a street frontage of Fulham High Street, which would infill the gap between Parkview Court and the Temperance public house and would reinstates some definition to the street alignment.

3.50 Unlike the previous permission, the mass and form of the current proposal is very much driven in land use terms by the proposed ground floor user, a large retail store. The footprint of the proposed retail store is designed to maximise the full coverage of the frontage site (formerly 84-90b Fulham High Street) and the northern end of the proposed building would bridge over a double height vehicular access route with 4 storeys above.

3.51 The height and scale of the proposed building would follow the general scale of the street frontage buildings on this side of Fulham High Street. If viewed from the south the new building would step up rapidly in height on the bend of the road to reflect the change in scale between the two storey public house and the 7 storey Parkview Court at the northern end. In contrast to the extant permission, a larger proportion of the frontage building to Fulham High Street would be equivalent to 7 storeys in height to match Parkview Court, rather than stepping down to correspond with buildings at either end. Some objections state that Parkview Court is large and the proposal would be excessive in height and scale and would add to an over-dominant feature on the Fulham High Street frontage. Officers however, consider that the height, scale and massing of the both the Fulham High Street building and similarly the replacement church hall at the rear are now generally respectful and appropriate for this site and its surroundings. Equally the proposal would now have minimal physical junctions and a better relationship to the Temperance Public House, linked only with a light, transparent glazed kiosk. As there is no gap between the proposed development and the listed building, this glass element would provide an acceptable infill adjacent to the listed building and the street scene. It is therefore considered that the scale, bulk and mass of the proposal generally respects its immediate surroundings.

3.52 The visual impact of the proposed development has been assessed with a comparison of both the existing and proposed buildings. The applicant has considered the implications of the proposed buildings in terms of its height from a number of views from the surrounding townscape including views from Fulham Palace grounds and allotments. Only glimpses would be available from long distance through gaps between trees from the palace grounds. Officers conclude that although proposal would be

visible from some viewpoints from inside adjoining conservation areas, most notably the view from the opposite side of Fulham High Street and junction with New King's Road, this would not be significant and would not cause harm to the local townscape. Officers concur with the design statement's conclusion that the proposal would generally respect the predominantly commercial character of the area and the scale, height and massing of the surrounding townscape would be in accordance with policy EN2, EN8 and EN31 of the UDP.

3.53 Overall the elevations of both buildings would have a modern architectural expression, that aims to make a bold statement in Fulham High Street but also respectful to its setting. The replacement church hall in particular has a modern composition and interesting architectural expression with the use of a copper framed roof that reflects the surrounding green spaces. Both buildings would be designed with predominantly brick masonry treatment, with a mixture of a number of materials including copper, timber, render and glazing. Overall it is considered that the variety of building materials and finishes would create an acceptable appearance, would generally look comfortable in its setting and respect the context and character of the local built environment.

3.54 In officer's opinion the most controversial element design element however, relates to the treatment of the existing freestanding pavilions (BOM's). Policy EN6 of the UDP states that development will not be permitted if it would result in the demolition of a BOM unless a number of criteria are met. The criteria include that; the building is no longer capable of beneficial use and its fabric is beyond repair, and that the proposed replacement would bring substantial benefits to the community which would decisively outweigh its loss. The extant permission clearly justified their retention in terms of their setting and in effect the remaining approved development would be built around them. Obviously due to these proposals in particular the ground floor use, a different approach is taken in this current scheme. It attempts to 'integrate' them into the new built form. The proposal involves the demolition of the majority of the pavilions, incorporating only the front facades into the new proposed residential entrance, with the introduction of glass and terracotta louvres to the upper floors. It is considered that there is insufficient evidence to suggest that the proposal would meet UDP policy EN6. In terms of the design, the architects have shown in sketches submitted with the application, detailing to the elevations and how the facades to the pavilions would be integrated into the new building. There are serious concerns with the proposed design treatment of these buildings that have also been expressed by a number of different quarters which, on balance makes this part of the proposal unacceptable. Disappointedly, unlike the extant permission, the two pavilions would lose their architectural integrity and free standing appearance, and would appear applied or 'stuck on' to the proposed buildings. Furthermore, the treatment of the proposed materials for the upper floors with glass and terracotta louvre screening fails to successfully integrate with the rest of the proposed buildings and is therefore, considered to be unacceptable. Officers consider that the design of this element of the scheme fails to comply with the requirements of UDP policies EN2, EN2C, EN6 and EN8.

3.55 At ground level a proportion of the front elevation treatment to Fulham High Street would be expressed with a standard form of modern shop front fenestration treatment. In these areas the ground floor would generally create an active frontage on this street but this would depend on the glazed areas remaining open and transparent. However, a solid curved return treatment at the northern end of the building where the site is bisected by the vehicular entrance/exit access road into the site from Fulham High



Street and where the upper floors project over it, would create a substantial break in an otherwise open street frontage. It is considered that the treatment on this corner is poor and would result in a potentially unattractive and unsafe corner at this point in Fulham High Street. Furthermore it is considered that the architectural expression of this corner, together with a high proportion of hard standing at the entrance to the car park and church hall is uninspiring and does not respect either its context or its role as the public face. Similarly the "front door" of the store is hard to find and does not relate successfully given the size of the store proposed. These elements which cover up to 50% of the Fulham High Street frontage would result in an extremely unattractive treatment to the ground floor level and lead to a "dead" frontages. This is considered to be unacceptable and uncharacteristic in this part of the conservation area. It is therefore considered that while the overall design could make a positive contribution to the streetscene and the character and appearance of the surrounding conservation areas some of the elements of the scheme, as described above, fail to comply with the requirements of UDP policies EN2, and EN8 and EN8D.

3.56 The landscaped area surrounding the buildings is seen as an important part of the development and the public realm. The proposals would result in the removal of 37 trees on the site, including some existing mature trees. The applicant has commissioned an arboricultural report on the conditions of all the trees and has provided information supporting a landscaping scheme as part of the redevelopment scheme. They propose to create a green roof to the main built form and soft landscaping around the edges of the site with the vicarage and paddock area. A detailed design of the proposed soft and hard landscape works including the treatment of the vehicular and pedestrian areas off Fulham High Street. The proposed vehicular access road between the main frontage building and Parkview Court would be dedicated to servicing the back of the store, basement car park, church hall and vicarage is extensive. It would be dominated by hard paving of different colours and types chosen to demarcate the specific areas and routes for vehicle and pedestrian users and to delineate to line of the moat. A semi mature tree in a raised planter with associated soft landscape planters is the only soft landscaping proposed in this area. Officers consider that the minimalist approach is inappropriate and would create a poor setting for both the existing vicarage and proposed church hall. Furthermore, it would not mitigate the loss of a large number of mature trees and the present feeling of openness, contrary to UDP policy EN8, EN25 and EN26 of the UDP.

3.57 For the reasons stated above, officers consider that in design terms, the proposal does not meet the requirements of both national and local policies including PPS1, PPG 15 and Policies EN2, EN2C, EN8D, EN6, EN8, EN25, EN26 of the UDP.

## HERITAGE

3.58 Part of the site, including the existing church hall (built in the 1920s) and vicarage (1930s), is within the boundary of the Scheduled Monument known as the 'Fulham Palace Moated Site' (GL134) - the only Scheduled Monument in the Borough, and therefore protected under the Ancient Monuments and Archaeological Areas Act 1979. The applicants have informed the Council that a separate application was submitted to the DCMS in January 2009 for Scheduled Ancient Monument Consent. The remainder of the site lies within the Fulham Village Archaeological Priority Area. UDP policies EN2 and EN7 as amended 2007, regional policy (London Plan - Policy 4b.15 Archaeology) and PPG16 'Archaeology and Planning' national advice (PPG16' Archaeology and Planning') are material to consideration of this application. The site lies entirely within

the Bishops Park Conservation Area and 'The Paddock' is also part of the Grade II\* Listed Park and Garden of Fulham Palace.

3.59 The Scheduled Monument takes in the entire moated enclosure, which is trapezoidal in plan and, at approximately 14.5 hectares (36 acres), was claimed as the largest domestic moated site in medieval England. The site was acquired by the Bishops of London in the eighth century AD, and occupied by them in sole ownership until the 1970s - a remarkable period of unbroken occupation. The earliest surviving documentation of the moat dates to 1392 and a water-filled circuit is shown on maps from 1746 to 1916. Sections of the moat were subject to cleaning as late as the early 20th century. It was ultimately infilled by Fulham Borough Council between 1921-4.

3.60 Of particular note is the apparent survival of the moat as a continuous circuit. This is all the more remarkable given its unusual length (1,460m or nine tenths of a mile) and its proximity to dense urban development. In many places the moat is still discernable as an earthwork despite its systematic infilling. Elsewhere its historic alignment is preserved as a strip of open ground, delineated for much of its length by surviving boundaries and topographical features. Below ground the form of the moat as an infilled channel is understood to be intact with only minor localised intrusions.

3.61 By virtue of its scale, historic associations and remarkable state of completeness, the moated site is of great importance, both locally and nationally, as recognised by its Scheduled status. It has historically influenced the character and appearance of the Bishops Park Conservation Area in which the proposed development site lies. Fulham Palace as a complex of 15th-century and later standing structures is well known and protected through its listed Grade I status. It is considered that the proposed development does not take sufficient account of the historic context of the Conservation Area, contrary to UDP policy EN2.

3.62 The origins of the moat are poorly understood, but piecemeal archaeological investigation since the 1970s suggest a long and complex history of construction and modification, use and maintenance. The moated enclosure seems to have been established on an island formed between two forks of a tributary of the Thames which sprang at Colehill. Archaeological fieldwork and foreshore discoveries on both sides of the River Thames indicate that there may have been a crossing point in the vicinity of Putney Bridge from as early as the Bronze Age. Such a crossing would have become a natural focal point for settlement on both banks, and this is attested in the Roman period by archaeological evidence.

3.63 The moat has not previously been built upon in a way that obscures its historic course. Existing buildings immediately adjacent to the moat respect its historic course above ground and would have caused below-ground impacts along its margins (as, for example, shown by a test pit excavated adjacent to the former Drill Hall in 2008). Below-ground encroachments into the line of the moat are otherwise limited to a small number of buried services and made surfaces. Archaeological interventions into the moat have been very limited in scope. It should be noted that none of these abovementioned impacts prevent any future restoration of the entire moat on its historic line.

3.64 Limited archaeological investigation, undertaken to inform the development proposals, included excavation of an evaluation trench in the paddock in 2007. In 2008, four considerably smaller trenches were dug in the driveway of All Saints Vicarage. The former trench did not extend far enough to the northeast to capture a profile of the moat

whose position was shown on the 1916 Ordnance Survey map, although deposits recorded at the northeast end of the trench were seen to dip towards this line. Excavation of two of the four small test pits identified a slope which cut into the underlying natural floodplain deposits. This slope was interpreted as indicating 'the northern side of the moat' in its most recent dredged form. The 19th/20th-century dates of finds immediately above this cut would be consistent with the backfilling of the moat in the 1920s. Nevertheless, the cut of the moat itself as a landscape feature, maintained on its historic course until the early 20th-century, was demonstrated to have survived in this location.

3.65 National advice PPG16 states that 'Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by a proposed development, there should be a presumption in favour of their physical preservation'. Departure from the presumption of preservation in situ has not been justified in this case. The formation of a double basement car park and associated vehicle access would have a significant, irreversible, adverse impact on the Scheduled Monument, particularly in terms of interrupting the continuity of an extant circuit.

3.66 It is therefore considered that the effect of the proposed development on the physical character and setting of the Scheduled Monument has not been sufficiently addressed in the proposed design.

3.67 The compatibility of the proposed design with aspirations to interpret and/or restore the continuous circuit of the historic moat for the community has not been adequately addressed in the application. A physical breach of the moat in one location would frustrate any long-term aims to present the entire circuit as a landscape feature from being realised. The historic line of the moat, recorded as a water-filled channel in maps until 1916, is not respected by the plan form of the proposed scheme. More particularly, the proposed development would obscure one of the four corners of the trapezoidal circuit, an element which, inherently, would be more readily interpreted for, and appreciated by, the public as being part of an enclosure.

3.68 It is therefore considered that the application is contrary to national advice (PPG16' Archaeology and Planning'), regional policy (London Plan - Policy 4B.15 Archaeology) and UDP policies EN2 and EN7 as amended 2007 and as such should be refused on heritage/archaeology grounds.

#### Secure by Design

3.69 Policy EN10 of the UDP states that development will not be permitted unless it provides users with a safe and secure environment. The applicant met with a Crime Prevention and Design Advisor from the Metropolitan Police prior to finalising the design of the proposed development and has indicated that the development will achieve the minimum Secured by Design standards.

#### NEIGHBOURING RESIDENTIAL AMENITY

3.70 Standards S13.1 and S13.2 of the UDP require that there is no significant loss of outlook and privacy to occupiers of surrounding residential properties. S13.1 states that a good guide for preserving outlook is by taking a line at 45 degrees from a point at ground level on the boundary with the adjoining gardens. Standard S13.2 states that new windows should be no less than 18 metres as measured by an arc of 60 degrees from any residential windows (taken from the centre of the proposed new windows. Standard S13.2a further states that development will not be permitted for roof terraces

or balconies if their use would cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance.

#### Daylight and Sunlight

3.71 New development should allow for the protection of adequate light to reach adjacent buildings. However, in assessing the potential local impacts of a building of the scale required there are no policies in the Unitary Development Plan or the London Plan that specifically relate to reduction of daylight or sunlight to neighbouring properties. However it is common practice to refer to the guidance set out in the Building Research Establishment (BRE) Report 1991 - "Site layout planning for daylight and sunlight - A guide to good practice". The BRE methodologies set out a range of non-statutory guidelines which need to be used in conjunction with on site judgement, in assessing the potential for any development to result in demonstrable harm.

It should also be noted that the BRE guidelines were designed for a suburban environment and not for an urban location such as the subject site and therefore, minor derogations from the guidelines in built up areas such as this are likely to occur and should be taken into account.

3.72 A study of the effect of the development on daylight, sunlight, overshadowing has been submitted with the application in accordance with the BRE guidelines. The BRE provides for a number of ways to assess potential reduction of light. The most common methods are calculation of a Vertical Sky Component (VSC) and a measure Average Daylight Factor (ADF). Should a development proposal meet either of these test then it is deemed to accord with the BRE for daylight. In addition orientation to the sun is taken into account in regard to direct sunlight. Each of these methods were used by the applicant in their daylight/sunlight assessment.

#### Daylight

3.73 Vertical Sky Component (VSC) is the measure of light to a potentially affected window by calculating the angle of vertical sky at the centre of each of the windows serving a residential building which look towards the site. Obstructions, existing or proposed, in front of the window are factored into the calculation and result in a reduction in available daylight. The guidelines state that if as a result of any proposal there is reduction of less than 20% in the amount of light previously available to any window then daylighting is unlikely to be seriously affected. The guidelines state that where the existing VSC is less than 27%, then the resultant value should not be less than 0.8 times its former value.

3.74 Average Daylight Factor (ADF) is a more detailed analysis and therefore more accurate method which calculates the amount of sky visibility on the vertical face of the window and also considers the window size and room use.

3.75 The report submitted with this application focuses on the impact of residential buildings neighbouring the site (Church Gate, Steeple Close, the Vicarage, flats in Parkview Court and Fulham High Street). The report states that all these residential properties currently enjoy good levels of daylight/sunlight, with no significant overshadowing or glare problems. In the majority of the cases, both the existing and proposed VSC is above 27%. However, in the case of 5 Church Gate, a lower ground floor window has an existing VSC of 26.9% coming down to 26.35% as a result of the proposed development which is considered a negligible effect. For Steeple Close, the front windows of the properties at first and second floor levels have a more prominent view of the site, as there are no habitable rooms at ground floor level directly facing onto

the site. The closest property to the application site; 15 Steeple Close has windows on both the front and rear elevations but are orientated almost perpendicular to the application site boundary, with only secondary non habitable glazing on the flank elevation. The assessment indicates that the proposed daylight levels for the upper floors of this property would remain extremely close to existing levels, above 27% VSC.

3.76 In relation to the vicarage, the ground floor currently benefits better in daylight levels than the 1st floor. Despite the 1st floor falling marginally below 27% VSC, it is considered that the effect from the proposal is negligible. Parkview Court has windows in south (flank) elevation facing the application site. All of these openings however serve non habitable rooms (staircase/bathrooms and small kitchens). Habitable windows face the rear, towards the Paddock, but would continue to receive daylight, barely different to the existing situation. Finally in the case of Fulham High Street, opposite the application site, the properties comprise mostly of commercial outlets at ground floor level with a mix of residential and commercial uses above on the upper floors. A total of 10 flats were tested at 1st floor level. In 6 locations daylighting would be less than 27% VSC and less than 0.8 the existing value. Supporting ADF tests were therefore applied and 3 rooms passed the ADF test. The 1st floor windows in question however serve a function room to Golden Lion Public house a non habitable use. Applying the results of the analysis carried out, it shows that in respect of daylight the proposal would generally be acceptable within the BRE standards.

#### Sunlight

3.77 In relation to direct sunlight, the criteria in the BRE requires calculation of the annual probable sunlight hours, which considers the amount of sun available in both the summer and winter months for each window which faces within 90 degrees due south. The BRE states the windows that may be adversely affected are those that have less than 5% of annual probable sunlight in the winter months and lose more than 20% of their currently available direct sunlight. Minor negative effects have been identified for 1 window (49 Fulham High Street) and 2 windows in Golden Lion PH, but insufficient to justify refusing planning permission on these grounds. Therefore the proposal would accord with the BRE guidelines in respect to direct sunlight.

3.78 In conclusion, the daylight and sunlight tests submitted by the applicant show that the habitable rooms to neighbouring properties would not experience a significant reduction of sunlight or daylight beyond those recommended in guidance by the BRE except for some rooms on the east side of Fulham High Street. Overall officers therefore considered that the proposed building would ensure that levels of light reaching adjacent windows in neighbouring property would not be unduly harmed by the development and that the slight infringements in respect to Fulham High Street are insufficient to withhold planning permission.

3.79 In the case of Standard S13.2 all habitable windows facing neighbouring properties in Fulham High Street would be between 21-23 metres and across a busy street. The north facing façades would be less than 18 metres from the flank elevation of Parkview Court opposite. However views are across to existing non habitable accommodation. As such officers therefore consider that this infringement is unlikely to result in significant loss of privacy. Similarly the separation distance of windows facing perpendicular to the rear garden of 5 Church Gate would be 18 metres at the nearest point, and in this regard the proposal is acceptable.

## Noise

3.80 An assessment of the expected levels of noise and vibration from the development (during the construction and operational phases) has been examined in an environmental noise assessment, which accompanied this application. This assessment is based on a series of measurements undertaken and predicted levels. The main operational noise source would be associated with the proposed food store. The proposed plant area associated with the proposed food store including air conditioning units and plant equipment would be located to the rear on the upper floors of the main frontage building with the service yard at ground floor level. The nearest residential neighbours to the plant area would be 15 Steeples Close at 10 metres distance (and the rest of the terrace), 5 Church Gate, the vicarage and the flats in the mansion block; Parkview Court. The noise and vibration assessment concluded that, as a result of the scale of development and predicted activities, and by the inclusion of noise mitigation measures the proposal would not have an adverse impact upon the residential amenity of neighbouring properties by way of noise. Officers have examined the noise assessment report and consider that subject to conditions limiting opening and servicing times, and the operation of plant, the development would not result in noise problems harmful to the amenity of local residents to warrant refusal of planning permission. Similarly any associated activities at the church hall could be mitigated through the use of conditions, in accordance with UDP policy EN20b and EN21.

## TRAFFIC GENERATION, PARKING, SERVICING and PEDESTRIAN SAFETY

3.81 Policy TN8 and Policy TN13 requires that all development proposals be assessed against their contribution to traffic generation and other impacts on congestion, particularly on bus routes and the primary road network, and against the present and potential availability of public transport and its capacity to meet increased demand. Policy TN15 and Standard S18 relate to car parking provision and Table 12.1 sets out maximum car parking standards. Standards S20 (cycle parking) and S22 (vehicular access) are also applicable.

3.82 As indicated the proposed development would include a large basement providing 143 car parking spaces for shoppers plus a sub basement level with 32 residential spaces and 5 spaces associated with the new church hall. A new entrance/exit access road into the site from Fulham High Street would be provided to service the food store and underground car park with a new signalised junction to allow vehicular and pedestrian access at this point. The applicant proposes that the residential element of the development would be car permit free. This would prevent future owners or occupiers from obtaining an on street car parking permit.

3.83 A Transport Assessment (TA) together with an accompanying draft Travel Plan has been submitted with the application. The TA concludes that the resultant trip generation associated with this development would be low. The TA also concludes that the site is serviced by a range of public transport modes (PTAL 6) and it is anticipated that many trips would be made by non-car modes. Officers however consider that the retail element of the scheme would attract a significant number of car trips and it is considered that these trips will have an adverse effect on the local highway network.

## Trip generation

3.84 Officers are of the view that trip generation figures in the transport assessment for this proposal are likely to be an underestimate. The TA provides car trip generation predictions for the proposed development are based on surveys carried out at similar

sized stores, the London travel survey and from the TRAVL database. The table below (taken from the TA) shows the number of trips, for all modes, generated by this development during the am, pm and Saturday shopping peaks;

Mode	Am peak		Pm peak		Sat peak	
	arr	dep	arr	dep	arr	dep
<b>Car driver</b>	45	24	117	131	118	133
<b>Car passenger</b>	13	9	62	99	44	50
<b>Walk</b>	77	62	282	259	152	171
<b>Underground</b>	7	10	26	22	2	2
<b>Train</b>	1	4	5	2	0	0
<b>Bus</b>	18	13	64	59	74	84
<b>cycle</b>	2	2	6	5	8	9

3.85 The above indicates a weekday pm peak car driver modal split of 22% and a weekend modal split of 30%. However this is much lower than surveyed Tesco stores in Clapham and Kennington, 46% and 50% respectively. The TA correctly assumes that some of the new trips to the retail element will already be on the network and as such should be discounted from the trip generation figures. The TA proposes a 'pass by' figure of 75% during the weekday peaks and 50% at the Saturday peak. No justification has been provided for these figures.

3.86 Officers however consider that the TA does not give a robust assessment of the amount of trips generated to this site by the private car. Officers believe that car trips will be higher than predicted in the TA due to the modal split figures given considered to be low, based on similar Tesco stores, and the high pass by figures unjustified. For these reasons the actual number of new trips on the highway network will exceed that predicted and accordingly the proposed development would adversely impact upon the safety and effectiveness of Fulham High Street.

#### Highway network impact

3.87 Fulham High Street is designated as part of the Strategic Road Network and carries heavy flows of traffic, with over 90 two way bus movements an hour at peak times. Fulham High Street is also subject to on street waiting and loading restrictions. UDP Standard S22 states that new accesses to and from strategic routes would not normally be allowed, and only in very exceptional circumstances would such an access be permitted. Although there is an existing vehicular access at this point, it is considered that the proposal would result in a substantial intensification of its use.

3.88 The proposal involves the replacement of an existing pelican crossing on Fulham High Street with a fully signalised junction with pedestrian facilities across Fulham High Street and the new vehicular entrance to the development. The signals in this area are linked using a dynamic system that reacts to fluctuating traffic conditions co-ordinating their cycle times. This includes the pelican crossing at the junction of Fulham High Street and New Kings Road and the two stage toucan crossing on Putney Bridge Approach. The new signalised junction would as such be controlled through this linked system.

3.89 The basic impact on the network would lead to an increased delay to north-south traffic due to the new signalised junction particularly during the peak periods. In addition to this the queuing caused by the new signalised junction would necessitate the loss (or at the very least the reduction) of the southbound bus lane on Fulham High Street. This is likely to increase bus journey times alongside those increases predicted for all traffic. The bus stop would also need to be relocated upstream of the new junction.

3.90 The TA predicts that the majority of new trips would come from the north of the development. This is based on the location of the development in relation to the river crossing and the existing retail offers south of the river. As such the impact of the development on junctions in LB Wandsworth and those junctions in this borough south of the development are predicted to be limited.

3.91 Accordingly the proposed development would prejudice the effectiveness of the strategic road network contrary to Policy TN8 of the Unitary Development Plan.

#### Car parking

3.92 The development would provide 143 spaces for the retail element which in excess of the Council's maximum UDP policy and standards set out in Policy TN15 and Standard S18.1 (Table 12.1) of 1 space per 75 sqm gross floor area, which would allow a maximum of 55 spaces. The London Plan sets out indicative parking standards for different sized supermarkets in different PTAL areas. In this case the indicative maximum range would be 1 space per 45 to 30 sqm.

3.93 The TA suggests that there is an operational need for more car parking in this location and would provide a needed town centre 'demand', based car park for the existing shops in local area in addition to the food store. This is not however a town centre location, rather a local shopping area which has good public transport links. The TA indicates that the car park would reduce parking stress on the surrounding roads. This is however unlikely to be achieved as the vast majority of on street stress is through residential permit parking. Within Controlled Parking Zone U, there are 1539 on street spaces and, as of October 2008, 1926 active parking permits.

3.94 The parking provision for the residential element is less than 1:1 and below the Council's UDP requirements of Standard S18. However all units would be designated as permit free, secured through a S106 agreement if planning permission was forthcoming therefore, this element of the parking provision is considered acceptable. The one area in which the residential parking provision is considered unacceptable is in the number of disabled spaces for the residential units in line with UDP policy H06 (a) requirement and Table 12.1. As stated in paragraph 3.33 there would be an under provision of parking spaces in the development suitable for wheelchair users. Furthermore the disabled parking provision for the church hall of one space is unacceptable.

3.95 The subterranean car park layout generally meets the necessary guidance in terms of segregation, circulation aisle and ramp gradient, radius and width. The main ramp into the first basement is of an acceptable width and design but the ramp into the sub basement is designed approximately 3.5m wide and as such insufficient for 2 way traffic. A control mechanism barrier for access would need to be designed into the scheme to ensure one-way traffic only. Overall the parking arrangement in the 2 basement levels meets minimum parking space dimension requirements and the disabled parking provision is suitably located close to the lifts.



### Servicing

3.96 Standard S21 requires off street servicing for all new developments and one lorry space for every 500 sqm. of gross floor space, which equates to 8 lorry spaces for this proposal. A servicing yard has been designed to the rear of the food store, at approximately 700 sqm. in size, accessed from the new internal road off Fulham High Street. The TA predicts a maximum of 10 articulated vehicles and 4 box van deliveries per day for the retail element which is considered to be a robust prediction for a store of this size. Vehicle tracking has been provided that shows a 12.5 metres vehicle could use the service yard but not a 16.5 metres vehicle. Whilst this does not meet the requirements of Standard S21 it is deemed to be of an unacceptable size to meet the servicing needs of the store and was planning permission forthcoming a limitation on the size of vehicle servicing the store would be required. Servicing for the residential units and church hall are likely to be low compared to the retail use. The TA however predicts 15 light goods vehicles and 3 heavy goods vehicles which is considered to be high. No indication has however, been given to where this servicing would be carried out.

### Cycling facilities

3.97 Policy TN6 requires safe and secure cycle parking provision, in accordance with Standard S20. The provision of residential cycle parking in the lower basement is considered unacceptable due to potential safety and accessibility concerns. Likewise the provision of 28 spaces within the upper basement level does not provide a direct, convenient or safe facility. The ground floor provision for the retail use and church hall are adequately positioned and the quantum meets S20.

### Pedestrian provision

3.98 Generally pedestrian access is acceptable however access to the vicarage is poor due to the requirement to cross the main access road and the service yard. Furthermore the pedestrian access to the church hall is unacceptable. The church hall will be a significant pedestrian generator and the pedestrian route proposed is very narrow with unnecessary obstructions. As commented on earlier the disabled bay location will require pedestrians to walk through the semi circular refuse service area.

## OTHER MATTERS

### Refuse

3.99 Policy EN17 requires developments to provide suitable facilities for the storage and collection of segregated waste. Refuse collection is to be carried out in the turning head outside the church hall. This is acceptable for the church hall; however one of the refuse storage areas for the residential element is located a significant some distance from this area.

### Energy

3.100 London Plan policy 4A.7 deals with energy conservation and renewable energy and states that all development should be designed to promote greater energy efficiency and integration of energy generation from renewable sources in building design. This is supported by Policy 4A.8 of the London Plan, which requires an assessment of the energy demand proposed for the development. The Council's Energy Supplementary Planning Document (SPD) is also relevant in considering environmental and sustainability issues.

3.101 Various sustainability issues have been considered for the development, ranging from the materials used, the conservation of water and sustainable drainage, energy use, waste management, pollution reduction, providing amenity space and landscaping, including a green roof. The residential component is designed to achieve level 3 of the Code of Sustainable Homes and BREEAM Retail has been used for the commercial, with an expectation that a 'good' rating will be achieved. Similar issues have also been taken into account when assessing the demolition and construction phases of the development. Measures include reclaiming demolition waste for re-use onsite, implementing best practice measures to manage and control air, noise and water pollution. The site would be part of the Considerate Constructors Scheme which encourages good construction site practices, helping to minimise impacts on neighbours during demolition and construction.

#### Air Quality Assessment Comments

3.102 An assessment has been made of current air quality conditions around the development site along with expected future conditions with and without the new development in place.

3.103 The Government's air quality objective for NO<sub>2</sub> is for the annual mean to not exceed 40ug/m<sup>3</sup>. This level is currently exceeded in some locations around the site, but the levels of NO<sub>2</sub> are expected to reduce by 2011 (the opening year for the development), due mainly to expected improvements in emissions from vehicles (e.g. from use of cleaner fuels). PM<sub>10</sub> levels are also expected to fall.

3.104 Although pollution levels are expected to be higher if the development goes ahead than if the site was left as it is, NO<sub>2</sub> and PM<sub>10</sub> levels are predicted to comply with the Government's air quality objectives in the vicinity of the development. To help reduce the traffic associated with the new development and keep emissions down, sustainable modes of transport would be encouraged through the adoption of Travel Plans for both the residential and commercial aspects of the development.

#### Energy Strategy Comments:

3.105 An energy demand and CO<sub>2</sub> emissions assessment has been carried out, establishing that the development would emit 850 tonnes of CO<sub>2</sub> a year if it was built to the minimum standard, as required by the Building Regulations. Planned energy efficiency measures such as the use of low energy lighting and high efficiency appliances are calculated to reduce the baseline CO<sub>2</sub> emissions to 766 tonnes a year.

3.106 Combined Heat and Power (CHP) has been assessed for inclusion in the development and been found to be feasible. It is therefore proposed to install a CHP on-site to provide a large proportion of the site's demand for heating (80%) and a smaller contribution to the electricity demand (19%). The CHP system is calculated to reduce CO<sub>2</sub> emissions by a further 165 tonnes a year to 685 tonnes. The improved baseline of 685 tonnes establishes that, to comply fully with the Development Plan policy to reduce CO<sub>2</sub> emissions by 20% via renewables, would require renewables to off-set 137 tonnes of CO<sub>2</sub>.

3.107 The renewables feasibility study supplied as part of the energy strategy suggests that as most of the CO<sub>2</sub> emissions associated with the development come from electricity use, then any renewable energy installation is likely to need to focus on electricity production rather than heat generation. This is also the case as the CHP unit

will supply much of the heat demand for the development. Only two types of renewable technology generate electricity: solar PV panels and wind turbines. The latter are ruled out as there is not enough space for a large stand alone turbine and the developer has concerns about smaller roof mounted turbines because of their visual impact and possible noise problems for residents.

3.108 The proposal is to install 40m<sup>2</sup> of solar PV panels on the residential dwellings which is calculated to off-set 2 tonnes of CO<sub>2</sub> a year. The use of the retail store roof for the installation of panels is ruled out in the report because of the intention to have a green roof and because there are residential units above the store.

3.109 The GLA however feel that insufficient information has been provided and requested clarification in particular areas on how the communal heating network proposed would work and question why more can't be added to green retail roof or roof of residential properties. GLA also feel that there are some scope of improvement on construction methods to reduce CO<sub>2</sub>. Overall, the presence of a green roof should not prevent the installation of PV panels and there are examples of both being installed alongside each other. Given the low contribution of the proposed system, scope for increasing its capacity and increasing the CO<sub>2</sub> emission reduction and getting closer to the 20% target set in the Development Plan (London Plan policy 4A.7) could be achieved. Had permission been forthcoming, conditions would have been included requesting amendments to the energy statement.

#### Flood Risk

3.110 The applicant has submitted a flood risk assessment. The site lies within Flood Zone 3a which is normally considered by the Environment Agency to be high risk in terms of potential to flood. The site is already substantially developed and all the proposed residential units would be located above the first floor. The main risk would however be to the double basement car park. The flood risk assessment aims to address issues relating to the risk of flooding, including details of how surface water run off would be considered through use of Sustainable Drainage Systems (SUDS) in the form of green roofs and water storage facilities. To date, the Environment Agency have not removed their initial objection and accordingly, the development is considered to be unacceptable in the context of PPS25 in this case.

#### Contaminated Land

3.111 The application site is considered to be a potentially contaminated land site under Part IIA of the Environmental Protection Act 1990. The site includes a former garage/petrol filling station with associated car repairs and timber works. The applicants EIA refers to a previous site investigation report carried out in 2002. Officers however consider that the information submitted with this application is outdated in terms of legislation and it refers to only investigation carried out only 84-88 Fulham High Street in relation to a former proposal and does not therefore include the whole site nor risk assess the elements of the current proposal. Had the development been considered acceptable it is considered that this matter would have been covered by conditions relating to the submission of a more detailed and up to date site investigation and intended remediation works.

3.112 In response to the comments received from the allotment holders, the application site overlies a Minor Aquifer but does not fall within a Groundwater Special Protected Zone (SPZ). The applicants estimate that some 28000 cubic metres of soil would be cut for the proposed basement during the construction phase and as stated in

the previous paragraph, there is potential for existing contamination to be present in areas of the application site. However, it is considered that the construction activities would potentially only have a minor negative effect to groundwater receptors and therefore, it is not considered a reason for refusing planning permission.

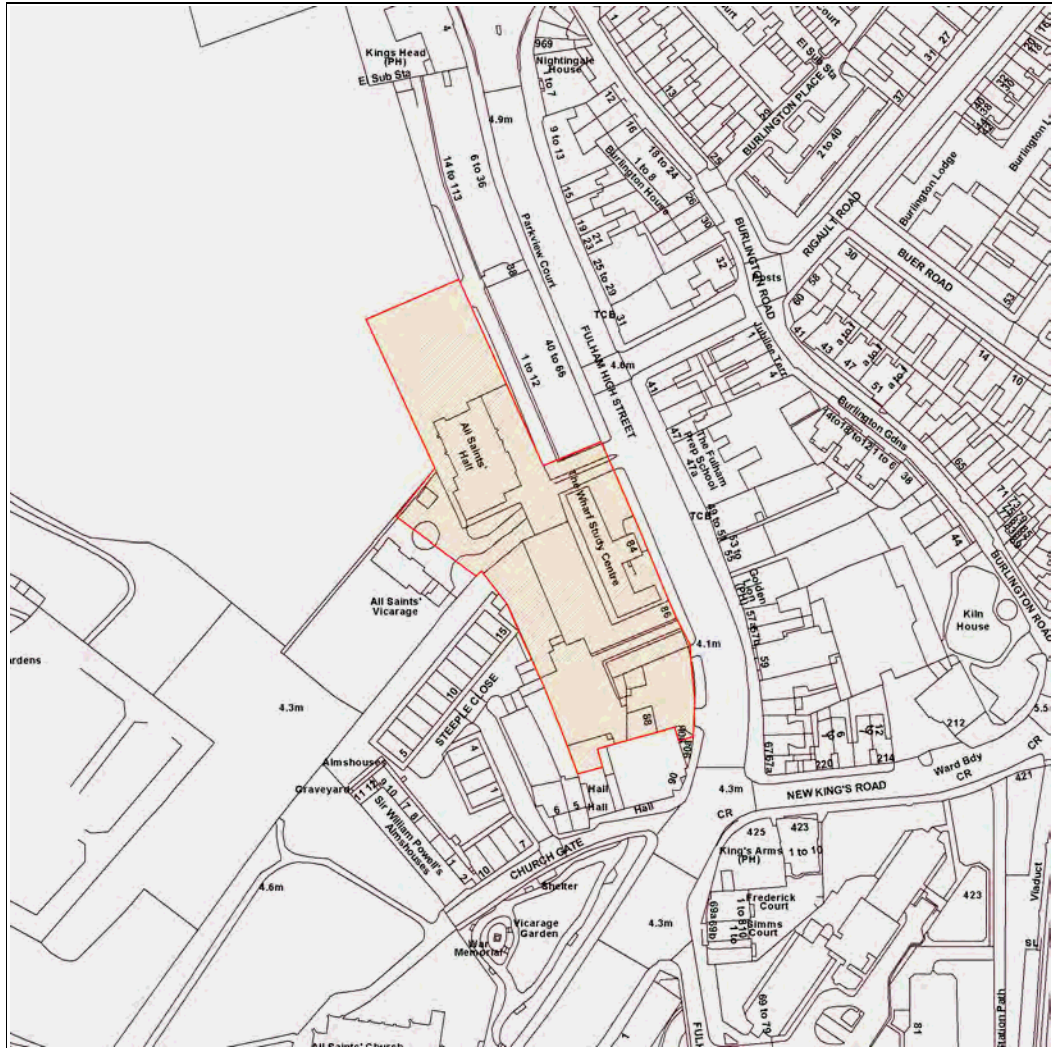
#### 4.0 RECOMMENDATION

4.1 Accordingly, officers consider that the proposed redevelopment is unacceptable and recommend that the applications be refused.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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**Reg. No:**  
2008/03514/CAC

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009

**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Mix use redevelopment of the site involving demolition of all buildings (with the exception of the front section of the former Territorial Army gatehouses).  
Drg Nos: P0\_001; P1\_001; P1\_002

**Application Type:**

Conservation Area Consent

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The proposed demolition works are considered unacceptable in the absence of a satisfactory redevelopment scheme for the site. In the circumstances it is considered that it would be premature to grant conservation area consent and that the proposed demolition could potentially harm the setting of the listed buildings and the character and appearance of the conservation area which the Council considers it desirable to preserve or enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposal is contrary to the aims of PPG15 and Policies EN2, EN3, EN6 and EN8 of the Unitary Development Plan as amended 2007.

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

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

Application form received: 12th November 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

Greater London Authority - Planning Decisions Unit

12.12.08

English Heritage London Region

07.01.09

Hammersmith & Fulham Historic Buildings Group

10.02.09

English Heritage London Region

16.01.09

**Neighbour Comments:**

**Letters from:**

**Dated:**

85 Rannoch Road London W6 9SX

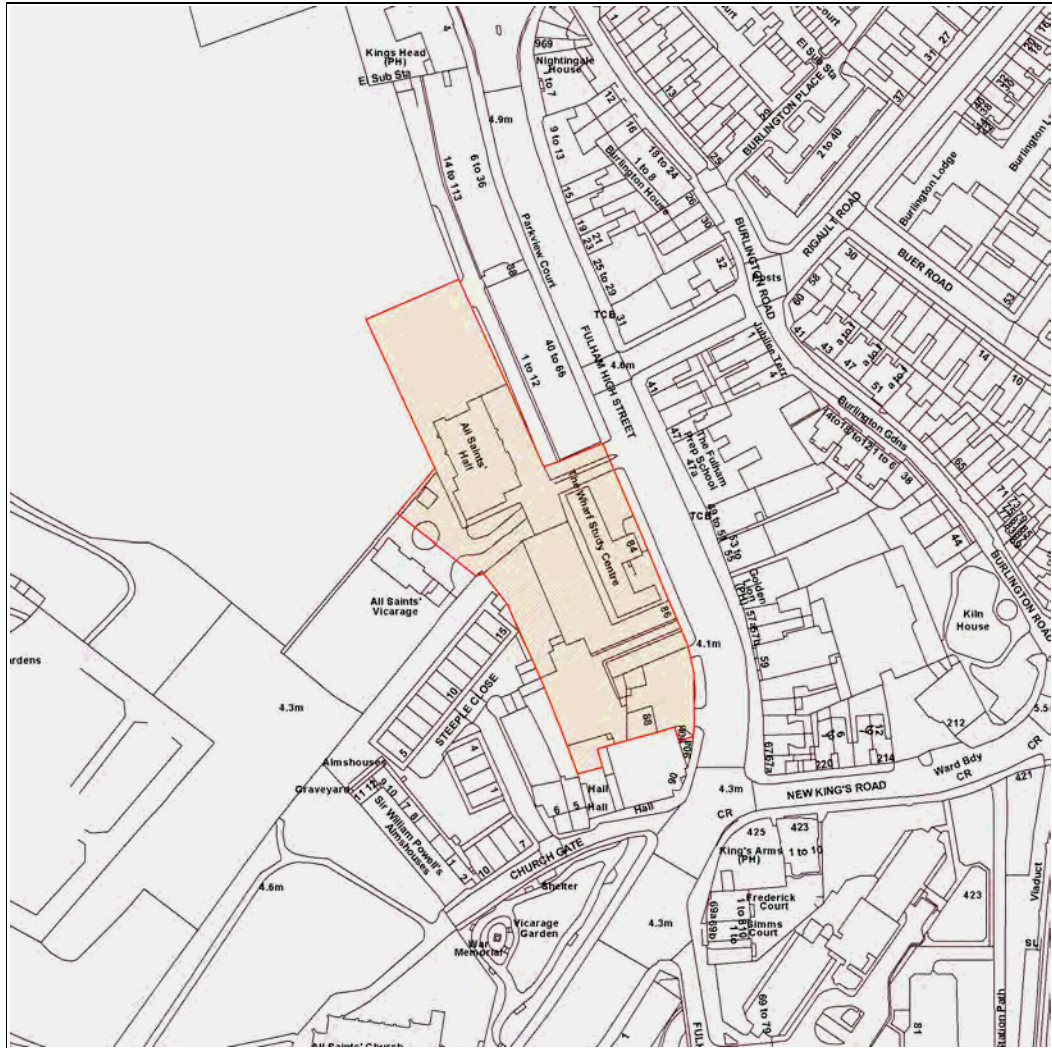
23.02.09

For joint report see planning application Ref. 2008/03511/FUL.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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**Reg. No:**  
2008/03515/LBC

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
: Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009



**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Mix use redevelopment of the site involving the demolition of 90b Fulham High Street (within the curtilage of the Temperance public house - Grade II listed) and the enclosure of a glazed retail kiosk.

Drg Nos: P0\_001; P1\_001; P1\_003; P3\_001; P3\_002; P4\_101

**Application Type:**

Listed Building Consent

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) In the absence of an acceptable planning and conservation area consent application for the redevelopment of the site, it is considered to be inappropriate to consider an application for Listed Building Consent for works that would facilitate the implementation of an unacceptable scheme, contrary to Policy EN3 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 12th November 2008

Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

Council For British Archaeology

14.01.09

English Heritage London Region

07.01.09

Greater London Authority - Planning Decisions Unit

12.12.08

Hammersmith & Fulham Historic Buildings Group

10.02.09

Fulham Society

23.03.09

Fulham Society

09.02.09

English Heritage London Region

16.01.09

**Neighbour Comments:**

**Letters from:**

**Dated:**

85 Rannoch Road London W6 9SX

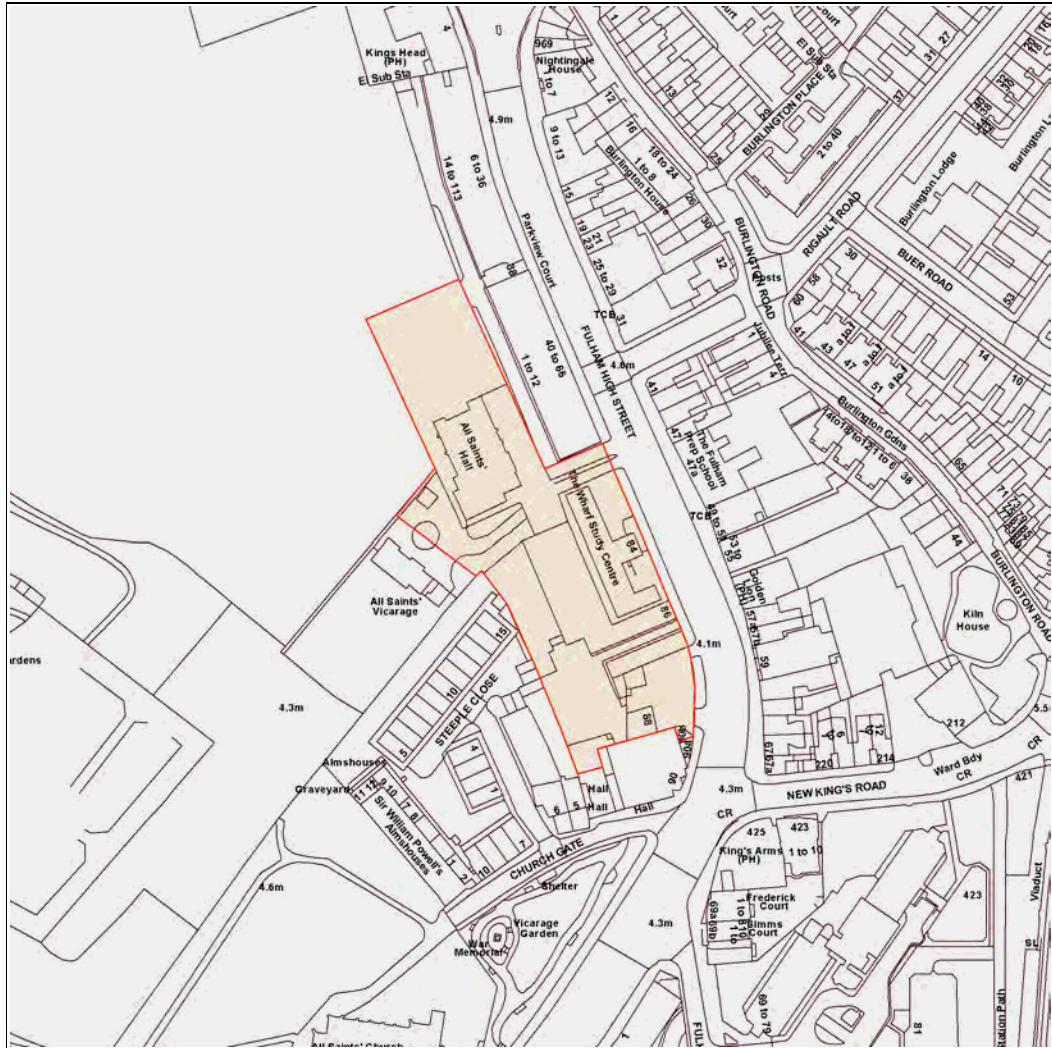
23.02.09

For joint report see planning application Ref. 2008/03511/FUL.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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**Reg. No:**  
2008/03519/FUL

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009

**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Redevelopment of the site to provide the following: a 4073 sqm. gross supermarket (1622 sqm. net retail sales area), together with a 17 sqm. gross glazed (Class A1) kiosk on the Fulham High Street frontage and 52 residential units above (second to sixth floors); the erection of a part two, part three storey replacement church hall building (618 sqm.) to the rear of Parkview Court and 3 residential units above; erection of a replacement detached garage building and gates to the existing Vicarage; comprehensive excavation to provide 2 levels of basement car parking off new access road and altered junction arrangements to Fulham High Street; providing 181 car parking spaces (143 short term retail spaces, 32 residential spaces and 5 church hall spaces and 1 car space o/s the new church hall), together with related servicing arrangements, open space (rear of new church hall) and hard/soft landscaping.  
Drg Nos: P0\_001; P1\_001; P1\_002; P3\_003; P3\_004; P3\_005; P3\_006; P1\_100; P1\_101; P1\_102; P1\_103; P1\_104; P1\_105; P1\_106; P1\_107; P1\_108; P1\_111; P2\_100; P2\_101; P2\_102; P2\_103; P2\_104; P2\_105; P3\_101; P3\_102; P3\_103; P3\_110; P4\_101; P4\_102; P4\_103 Planning Statement (Planning Perspectives LLP); Design and Access Statement (Collado Collins); Retail Planning Assessment (Strategic Perspectives LLP); Transport Assessment, Appendices \_ Travel Plan (Colin Buchanan); Sustainability Statement (Environmental Perspectives LLP); Energy Strategy, Code of Sustainable Homes Pre-Assessment \_ BREEM Pre-Assessment (Scott Wilson); Statement of Community Involvement (Lexington Communications); Environmental Statement (EIA) Volumes I, II \_ III.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The applicants have failed to demonstrate that there is a quantitative need for the scale of the proposed food store which is located in an out of centre location. In addition it has not been demonstrated that the scale of any identified need could not be met on sequentially preferable sites nor that the impact upon existing shopping centres within the catchment area of the proposed store centre would be acceptable. The proposal is therefore contrary to Policies TC1 and G9A of the Unitary Development Plan as amended 2007, policies 3D.1 and 3D.2 of the London Plan 2008 and national advice in PPS6 "Planning for Town Centres".
- 2) The proposed development is considered to be unacceptable on traffic generation and road safety grounds. Fulham High Street is part of the Strategic Road Network and part of the London Bus Priority Network and the use of the ground floor as a single, large retail unit would result in increased traffic generation that would prejudice the effectiveness of the strategic road network. In the absence of satisfactory details of how many car trips would realistically be generated by this scheme overall, including satisfactory evidence to prove that the development

would not result in an unacceptable increase in traffic flow; the proposed signalisation and intensification of the access road would lead to congestion and delay to the strategic road network. The proposal would thereby be contrary to UDP policies TN8 and TN13 of the Unitary Development Plan, as amended 2007 and PPG13.

- 3) The proposed development is considered unacceptable in terms of the excessive provision made for off-street parking within the application site which would result in an unacceptable increased traffic flows on neighbouring streets, in particular Fulham High Street which already suffers from high levels of through traffic. Furthermore there is an under provision of disabled parking bays for the six disabled residential units proposed and the church hall. The proposal would thereby be contrary to UDP policy TN15 of the Unitary Development Plan, as amended 2007, The London Plan policy 3C.22 and Access for All SPD.
- 4) The proposed development is unacceptable in that it would fail to provide a suitable and safe environment for vulnerable road users accessing the application site. The subterranean cycle parking is considered not to be direct, convenient or safe for cyclists to use. Furthermore the internal road layout does not provide direct, convenient or safe walking routes or suitable routes for disabled people. The proposal would be therefore contrary to UDP policies G4, TN4, TN5 and TN6, Standard S20 and Access for All SPG.
- 5) The development would be unacceptable on heritage/archaeology grounds. By virtue of its scale, historic associations and completeness as an historic feature in the landscape, the moated enclosure of Fulham Palace is the most significant heritage asset in the Borough. It is considered that the effect of the proposed development on the physical character and setting of the Scheduled Monument has not been sufficiently addressed in the proposed design and the layout of the proposed scheme does not wholly respect the historic plan form of the moat and the historic context of the Bishops Park Conservation Area. Furthermore, the compatibility of the proposed design with aspirations to interpret and/or restore the continuous moat circuit for the community has not been adequately addressed in the application. It is therefore considered that the formation of a double basement car park and associated vehicle access will have a significant, irreversible, adverse impact on archaeological remains which are of national significance. The proposal is therefore contrary to policies EN2 and EN7 of the Unitary Development Plan, as amended 2007, London Plan policy 4B.15 and national advice PPG16 'Archaeology and Planning'.
- 6) The proposed development is considered to be unacceptable in the interests of visual amenity, as the development fails to respond satisfactorily to the existing qualities of the Building's of Merit (BOM's) on the site. The design and form of the main building is unsympathetic to the street frontage in terms of its relationship to the existing gatehouses, and would result in an uncomfortable connection in terms of the retention of only the facades of these two buildings. There is no proper justification for the loss of a substantial part of the existing gatehouses. The loss would be further compounded by the design of the proposed development above the retained facade. This would result in a discordant and unsympathetic feature in the street scene, harming the original proportions of the BOM's and detrimental to

visual amenities of the area. Consequently, it would have a negative effect on the character and appearance of the surrounding conservation areas, which the Council considers desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposal is contrary to Policy EN2, EN2C, EN6 and EN8 of the Unitary Development Plan as amended 2007.

- 7) The proposed development is considered to be unacceptable on other aspects of design. In particular, design elements to the ground floor retail use, in respect to the treatment in materials and fenestration detailing, together with the design and landscaping of the vehicular access route which, would create a poor pedestrian environment, and fails to relate to the character of this part of the Bishops Park conservation area. As such the proposal would harm the character and appearance of the conservation area, which the Council considers it desirable to preserve or enhance in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In these respects, the proposal is contrary to Policies EN2, EN6, EN8, EN8D, EN25 and EN26 of the Unitary Development Plan, as amended 2007.
- 8) The application site located within Flood Zone 3 lies in an area having a high probability of flooding and the proposed development is highly vulnerable to flood risk. The Flood Risk Assessment submitted with this application does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. As such the proposed development is considered to be unacceptable in accordance with the requirements set out national advice PPS25 "Development and Flood Risk"
- 9) The Flood Risk Assessment submitted with this application does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular the FRA has failed to address the impact of the development on the surface water drainage system for the area. As such the proposed development is considered to be unacceptable in accordance with the requirements set out national advice PPS25 "Development and Flood Risk"
- 10) The development would be unacceptable in terms of meeting the needs of persons requiring wheelchair access. More particularly, UDP Policy HO6 (2) (a) of the UDP requires the provision of 10% of the units to be designed for occupation of wheelchair users. A total of 5 wheelchair units are being provided which is not in accordance with this policy.

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

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

Application form received: 12th November 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

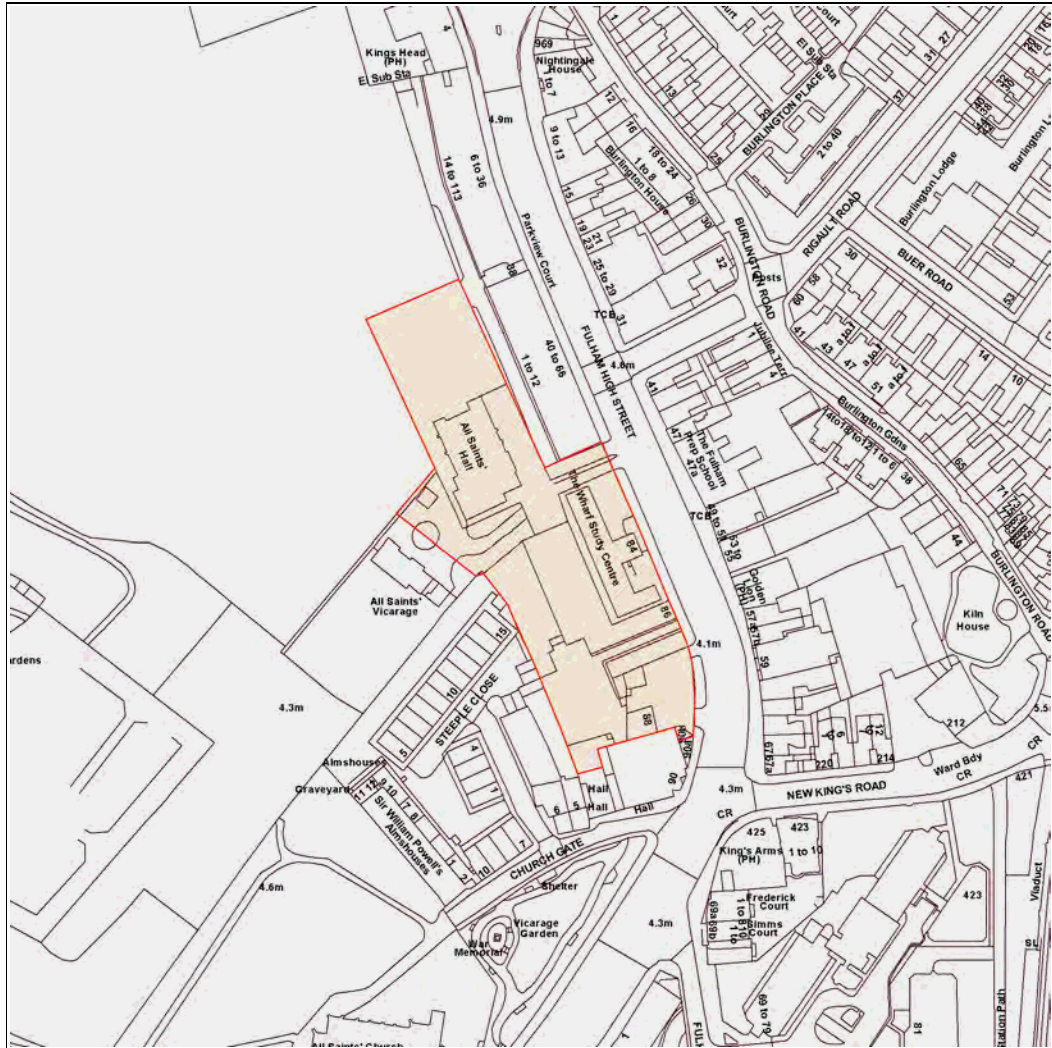
NAG	30.04.09
10 Steeple Close London SW6 3LE	18.03.09
NAG	06.02.09
39 Godolphin Road London W12 8JF	09.02.09
60 Danehurst Street London SW6 6SD	23.02.09
Morrison Supermarket	30.01.09
86 Davison Drive Waltham Cross London EN8 0SX	15.02.09
C/o Peacock And Smith Ltd Suite 9C Joseph's Wel	
I Hanover Walk Leeds LS3 1AB	03.02.09

For joint report see planning application Ref. 2008/03511/FUL.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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**Reg. No:**  
2008/03520/CAC

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009



**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Mix use redevelopment of the site involving demolition of all buildings (with the exception of the front section of the former Territorial Army gatehouses).  
Drg Nos: P0\_001; P1\_001; P1\_002

**Application Type:**

Conservation Area Consent

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The proposed demolition works are considered unacceptable in the absence of a satisfactory redevelopment scheme for the site. In the circumstances it is considered that it would be premature to grant conservation area consent and that the proposed demolition could potentially harm the setting of the listed buildings and the character and appearance of the conservation area which the Council considers it desirable to preserve or enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposal is contrary to the aims of PPG15 and Policies EN2, EN3, EN6 and EN8 of the Unitary Development Plan as amended 2007.

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

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

Application form received: 12th November 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

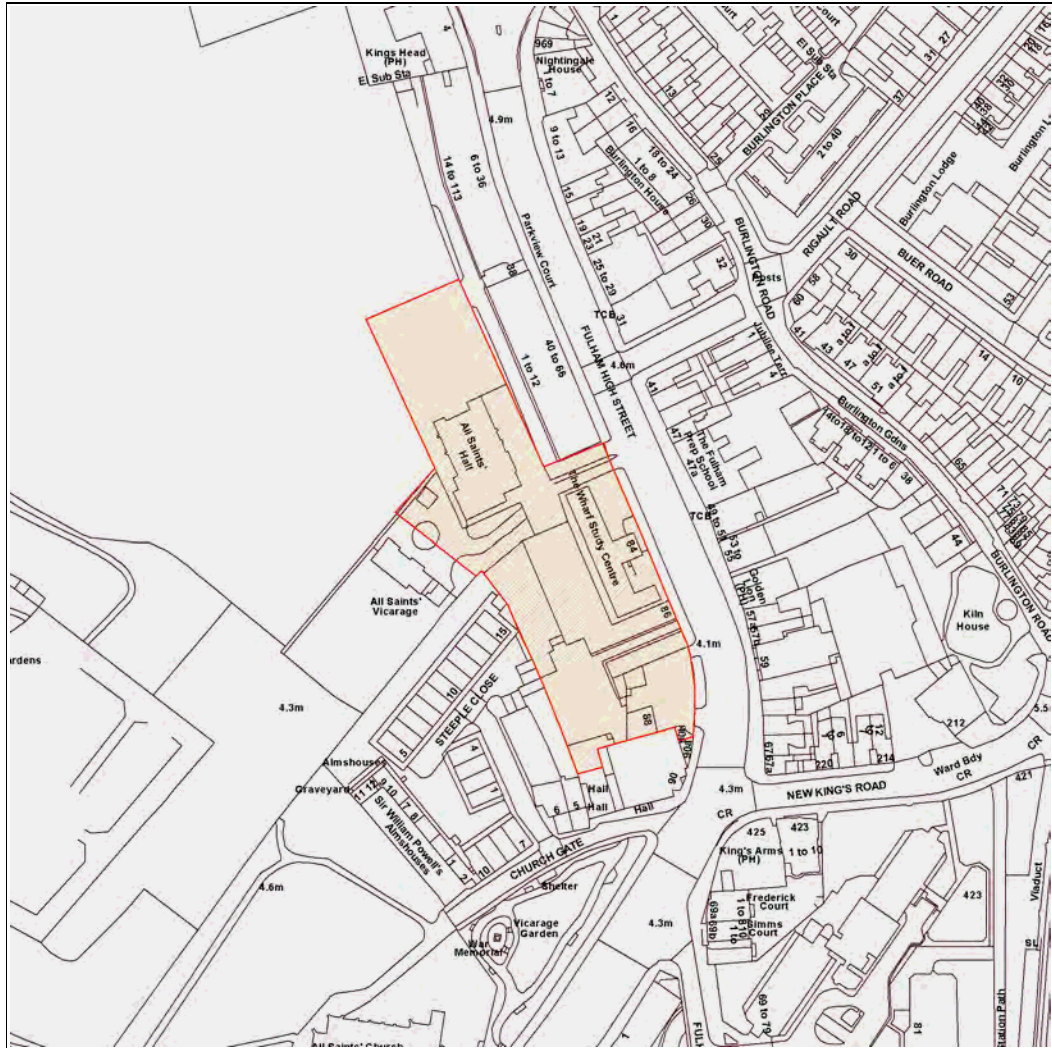
**Dated:**

For joint report see planning application Ref. 2008/03511/FUL.

**Ward:** Palace Riverside

**Site Address:**

70A And 84 - 90B Fulham High Street London SW6 3LF



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

**Reg. No:**  
2008/03521/LBC

**Case Officer:**  
John Sanchez

**Date Valid:**  
13.11.2008

**Conservation Area:**  
Bishops Park Conservation Area - Number 5

**Committee Date:**  
13.05.2009

**Applicant:**

Barton And Finch (Fulham) Ltd And Tesco Stores Ltd  
23 Broadwall London SE1 9PL

**Description:**

Mix use redevelopment of the site involving the demolition of 90b Fulham High Street (within the curtilage of the Temperance public house - Grade II listed) and the enclosure of a glazed retail kiosk.

Drg Nos: P0\_001; P1\_001; P1\_003; P3\_001; P3\_002; P4\_101

**Application Type:**

Listed Building Consent

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) In the absence of an acceptable planning and conservation area consent application for the redevelopment of the site, it is considered to be inappropriate to consider an application for Listed Building Consent for works that would facilitate the implementation of an unacceptable scheme, contrary to Policy EN3 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 12th November 2008

Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

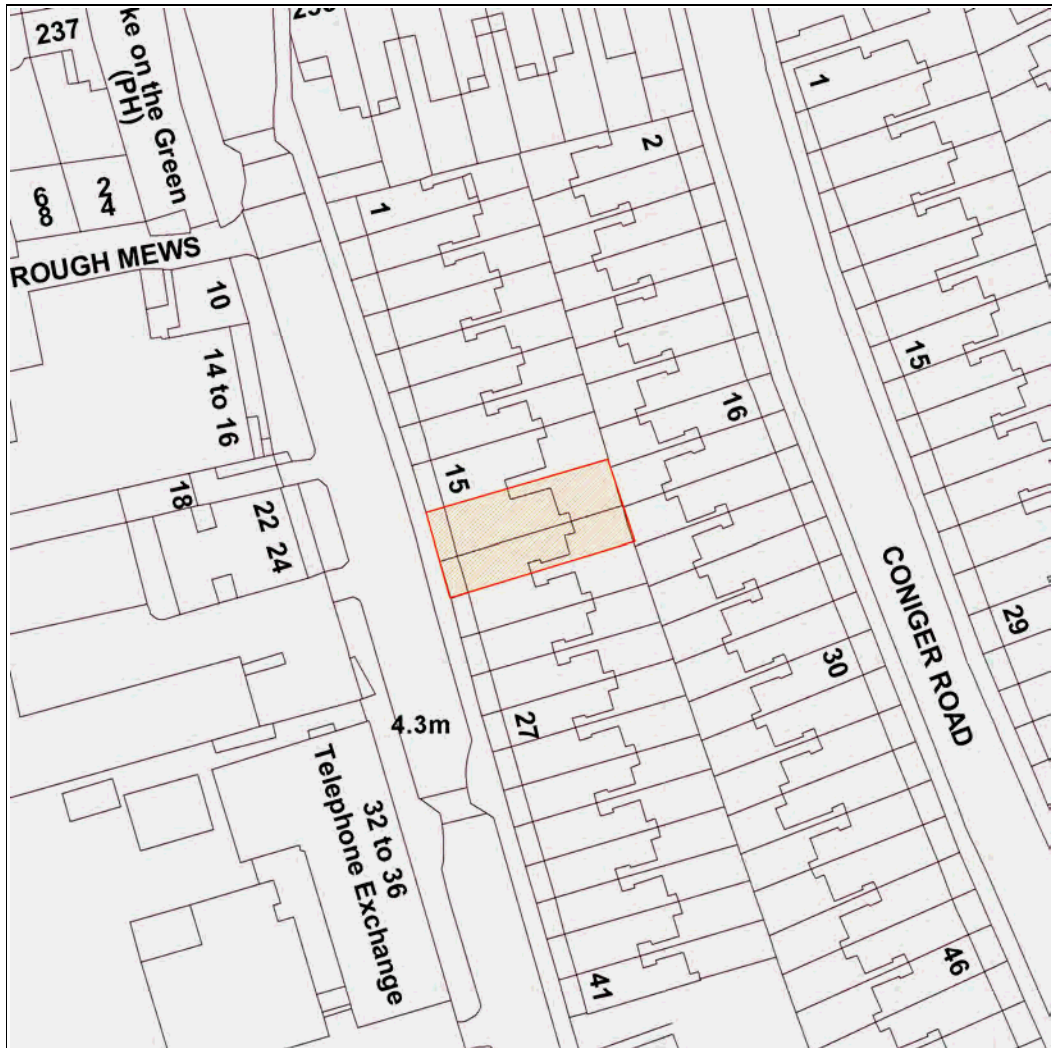
**Dated:**

For joint report see planning application Ref. 2008/03511/FUL.

**Ward:** Parsons Green And Walham

**Site Address:**

17 And 19 Peterborough Road London SW6 3BT



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

**Reg. No:**  
2009/00223/FUL

**Case Officer:**  
Sian Brown

**Date Valid:**  
30.01.2009

**Conservation Area:**  
Studdridge Street Conservation Area - Number 7

**Committee Date:**  
13.05.2009

**Applicant:**

Mr Leonard And Mr Angberg  
C/o Agent

**Description:**

Erection of a rear roof extension at 17 Peterborough Road including the insertion of 4 rooflights to the front elevation; erection of a rear extension at second floor level, on top of the existing two-storey back addition at 17 and 19 Peterborough Road.  
Drg Nos: 1719-300D1719-301D1719-302

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall be carried out and completed only in accordance with the submitted drawings, and the height of the rear roof extension at No.17 Peterborough Road shall not exceed the height of the ridge of the existing roof of the application property, or that of the adjoining properties at 15 and 19 Peterborough Road.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 3) Any alterations to the elevations of the existing buildings shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 4) The flank/party walls of the rear roof extension shall be built in stock bricks to match the existing facing brickwork of the application property, in terms of colour range, texture and pointing.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 5) The flank/party walls of the rear roof extension shall follow the profile of the extension and shall not project more than 250 millimetres above or beyond the external faces of the main roof structure.

To ensure a satisfactory external appearance, in accordance with policy EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 6) The rear face of the rear roof extension hereby approved shall be finished in slate.

In order to ensure a satisfactory external appearance, in accordance with Policy EN2 and EN8B of the Unitary Development Plan as amended 2007.

- 7) All new windows and doors shall be of timber construction, and the windows in the rear elevation of the proposed rear extensions at second floor level shall be of a sliding sash design, as indicated on the approved drawings, to match the existing windows in the rear elevations of the application properties.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 8) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2 and EN8b of the Unitary Development Plan, as amended 2007.

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

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 10) The rear extension at second floor level (at 17 and 19 Peterborough Road) hereby approved shall be constructed in second hand London stock bricks, to match the existing facing brickwork of the rear elevation of the application properties in terms of colour range, texture and pointing.

To ensure a satisfactory external appearance, in accordance with policy EN2 and EN8b of the Unitary Development Plan, as amended 2007.



- 11) Where openings are to be formed in the brickwork of the external faces of the rear extension at second floor level and/or the elevations of the existing buildings, the parts of the structure above such openings shall be supported by brick arches or brick faced lintels.

To ensure a satisfactory external appearance, in accordance with policy EN2 and EN8b of the Unitary Development Plan, as amended 2007.

- 12) The pitched roofs provided by the rear extension at third floor level shall not be altered to allow their use, all or in part, as a terrace or other amenity space. No railings, fences, walls or other means of enclosure shall be erected around these roofs, and no alterations shall be carried out to the rear elevations of the application properties, including the rear roof extension at 17 Peterborough Road hereby approved, to form access onto the roofs.

Such a use would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to Policy EN21 and Standard 13.2 of the Unitary Development Plan, as amended 2007.

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

- 1) It is considered that the proposals would not have an unacceptable impact on the existing residential amenities of the occupiers of adjoining properties, and would be of an acceptable visual appearance. The proposals would preserve the character and appearance of the conservation area. In this respect the development is judged to be acceptable assessed against Policies EN2 and EN8B and Standards S12 and S13 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 29th January 2009  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

## **Consultation Comments:**

**Comments from:**

**Dated:**

## **Neighbour Comments:**

**Letters from:**

**Dated:**

17 Peterborough Road London SW6 3BT	20.03.09
20 Coniger Road London SW6 3TA	05.03.09
28 Coniger Road London SW6 3TA	09.03.09
10 Coniger Road London SW6 3TA	14.02.09
26 Coniger Road London SW6 3TA	03.03.09
8 Coniger Road London SW6 3TA	03.03.09
18 Coniger Road London SW6 3TA	02.03.09
16 Coniger Road London SW6 3TA	13.02.09

### 1.0 SITE DESCRIPTION AND RELEVANT HISTORY

1.1 The application relates to two adjoining 2-storey terraced properties (17 and 19), within the Studdridge Street conservation area. No. 17 has been subdivided into two flats. The application relates to the first floor flat. No. 19 is occupied as a single dwelling house. The ground floor flat at No. 17 has been extended in the form of a single storey rear extension to the side and rear of the back addition (pp 2007). No. 19 has previously been extended in the form of a single storey rear extension to the side and rear of the back addition (pp 2001), and a front and rear roof extension (pp 1994).

1.3 The current application is for the erection of a rear roof extension at No.17, including the insertion of 4 rooflights to the front elevation; the erection of an additional floor at roof level over the back addition at Nos 17 and 19.

Officer's note: in the interests of residential amenity amended plans have been submitted omitting the proposed terrace at third floor level of No. 17.

### 2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

2.1 Site notice and press advert issued. Individual notification letters sent to neighbouring properties.

2.2 9 representations received raising objection on the following summarised grounds:

Extension:

- Unbalancing pair of semis
- Impact to the conservation area
- Increased sense of enclosure
- Overdevelopment of the site
- Devaluation of house prices
- Flood risk

Roof Terrace:

Noise and disturbance  
Loss of privacy from the roof terrace  
Visual amenity

Officer's Note: the roof terrace has been omitted from the proposal.

### 3.0 PLANNING CONSIDERATIONS

3.1 The issues in this case are whether the proposed development is acceptable in the context of policies and standards of the UDP, with particular regard to its impact on visual amenity and impact on the on the existing amenities of the occupiers of neighbouring residential properties. UDP Policies and Standards that are applicable to the current proposal include Policies EN2 and EN8B, and Standards S12 and S13.

3.2 Policy EN2 requires developments to preserve and enhance the character and appearance of the conservation area. Particular regard will be given to the design of the development and its relationship to the existing building, adjoining buildings, the street scene and open spaces. Policy EN8B states that 'all extensions and alterations to existing buildings should be compatible with the scale and character of existing development, its neighbours and its setting'. The policy further states that 'In most cases, these will be subservient to the original building' whilst the justification to the policy states that 'Extensions should never dominate the parent building'. The justification to the policy further states that 'Extensions should comprise no more than half of the width of the rear of the property and should not rise higher than one storey beneath the main eaves or parapet line'; and also that, 'Where a distinct rhythm of rear extensions exists, any new proposals should follow the existing scale and character'.

#### REAR ROOF EXTENSION (17 PETERBOROUGH ROAD):

3.3 There are a number of rear roof extensions in this part of Peterborough Road. In particular both adjoining properties 15 (pp2001) and 19 (pp 1994) have erected rear roof extensions. Furthermore to the rear of the property several rear roof extensions can be seen in Coniger Road. As such the proposal is seen to follow the existing pattern of development within the area. In this regard the proposal is seen to comply with the Policies EN2 and EN8B of the UDP, as amended 2007.

3.4 The design of the rear roof extension is also considered to be in keeping with the character of the subject property and terrace; the rear roof slope would be 70 degrees to the horizontal plane, in keeping with the design of other roof extensions in the terrace; the extension would not increase the height of the existing ridge; the party walls would be constructed in brickwork to match the existing facing brickwork of the application property; the rear roof slope would be clad in slate and the windows would be of timber frame construction. The rooflights in the front roofslope are also considered to be acceptable. As such, the proposal is seen to comply with Policies EN2 and EN8B of the UDP, as amended 2007.

3.5 The rear roof extension is not considered to be harmful to the existing residential amenities of the occupiers of neighbouring residential properties in terms of loss of outlook or light. The proposed windows in the rear roofslope would not be any closer to neighbouring properties than existing windows in the original property, and would be

some 20 metres from the properties to the rear in Coniger Road, in accordance with Standard S13.2 of the UDP. Accordingly, it is not considered that the proposed rear roof extension would have an unacceptable impact on the existing amenities of the occupiers of neighbouring properties, in terms of overlooking or loss of privacy.

#### REAR EXTENSION AT SECOND FLOOR LEVEL (17 AND 19 PETERBOROUGH ROAD):

3.6 The original two-storey back additions of both properties (which are paired) have slate clad mono pitch roofs. The proposed second floor rear extension would involve building over the existing pitched roofs, in the same form, to create an additional storey in each case. The extension would incorporate a single bedroom window opening in the rear elevation (both properties), and a bathroom window in the side elevations.

3.7 In this form it is not considered that the proposed extension would have an unacceptable impact on the appearance of the application properties, or that it would harm the existing character or appearance of the conservation area. Paragraph 4.82 of policy EN8B states that extensions should never dominate the parent building, should comprise no more than half the width of the rear of the property and should not normally rise higher than one storey beneath the original main eaves or parapet line. In this case the extension would exceed the original main eaves line, but this in itself is not considered to be sufficient grounds to justify refusing planning permission. Planning permission has recently been granted for the same development to the neighbouring pair of back additions of No.s 21 and 23 Peterborough Road (2008). Furthermore some of the two-storey properties to the rear in Coniger Road were purpose built with three-storey back additions. Accordingly the principle of the proposed extension is acceptable in this instance. Such was the case with the abovementioned planning permission the extension has been designed to match the existing back additions of the application properties, and would be built as a single building operation, thus preserving the existing symmetry. Furthermore, in this case the extension would be viewed from the rear against the background of the rear roof extensions on the main roofs of the application properties. Because of its location to the rear of the properties, views of the extension would be relatively limited from any public vantage points within the conservation area. It is acknowledged that there would be views of the development from private vantage points at the rear of the site, specifically from the rear of properties in Coniger Road, but the nearest of these (18 and 20) are some 15m away (20m in the case of the main rear elevations of the properties) and the extension would be seen in context, against the existing rear roof extension, in the case of 19 Peterborough Road, and the proposed rear roof extension, in the case of 17 Peterborough Road. For these reasons the second floor rear extension is judged to be acceptable in this case, assessed against Policies EN2 and EN8B of the UDP, as amended 2007.

3.8 Similarly, it is not considered that the proposed extension would have an unacceptable impact on the existing amenities of the occupiers of the ground floor flat of No. 17 or the adjoining properties 15 and 21 Peterborough Road, in terms of loss of light, outlook, overlooking/loss of privacy, or in terms of an increased sense of enclosure. Standard S12.2 seeks to protect the daylight to rooms in adjoining properties. The Standard requires any extension to the rear of the back addition to enable an unobstructed angle of 45 degrees to be achieved from any window to a habitable room on the ground floor of the adjoining back addition if that forms the sole window to that room. The Standard further states ' In assessing the effect which the extension will have on the existing amenities of neighbouring properties the justification

states that the Standards of S12 should be used together with on-site judgement. At ground floor level, both 15 and 21 have erected infill extensions which would negate any impact. While there is not a specific standard which could be applied to the ground floor flat of No. 17, it is worth noting that No. 17 has also erected an infill extension. The occupiers of No. 17 concede the second floor extension would result in loss of light to their kitchen, by reason of overshadowing to the velux windows of the abovementioned single storey side extension. In the case of the kitchen velux windows it is noted that these are not the sole windows to this room, the main source of natural light being the fenestration facing the garden in the rear elevation of the back addition. Accordingly the proposal complies with Standard 12.2 is acceptable in this instance.

3.9 In terms of privacy to those properties the windows in the flank elevations of the opposing back additions at 15 and 21 Peterborough Road serve bathrooms. The proposed windows in the flank elevations of the extensions would also serve bathrooms. The proposed windows in the rear elevations would not be any closer to the rear garden of the ground floor flat of No. 17 than existing windows at first floor level in the original property. In this respect the proposal complies with Standard S13.2.

3.10 Standard S12.3 'Outlook from Windows in Adjoining Property' states "The prospect afforded by any window in the main part of the building should not be significantly worsened as a result of any proposed extension built at a higher level than the level of the floor containing the affected window. The angle of unobstructed visibility for this purpose shall not be reduced by more than 15%. Where no rear addition currently exists at the level of the extension then on-site judgement will be a determining factor in assessing the effect which the extension will have on the amenities of the neighbouring properties." In this case there is currently no extension above the back addition. In the case of No.s 15 and 21 Peterborough Road Street the proposed extension would be some 1.5m from the party boundaries with those properties (some 2m from the nearest habitable room windows at first floor level). There would be some impact on outlook from the existing windows in the main rear elevation of the adjoining properties, but this is not judged to be such as to justify withholding planning. Accordingly the proposal complies with Standard 12.3 is acceptable in this instance.

3.11 Objections have been received from the occupiers of 18 and 20 Coniger Road to the rear in relation to loss of outlook and increases sense of enclosure. Standard S13.1 requires any development to enable an unobstructed angle of 45 degrees from a point at ground floor level on the boundary of the site. In cases where the proposed building infringes an angle of 45 degrees on site judgement will be the determining factor. In this case the proposed extension would marginally infringe an angle of 45 degrees from the boundary with those properties to the rear in Coniger Road. However, the proposed extension is no closer to the rear boundary of the site than the rear building line of the original two-storey back additions at 17 and 19 Peterborough Road, and it is not considered that the increase in height would be such as to have an unacceptable impact on the Coniger Road properties in terms of loss of outlook or increased sense of enclosure. Furthermore given the orientation of those properties it is not considered the proposed extensions would result in a significant loss of light. The extension would include a bedroom window in the rear elevation (both properties), but again these would be no closer to the Coniger Road properties than the existing bedroom windows on the first floor. Accordingly, the proposed development is judged to be acceptable assessed against standards S12 and S13 of the UDP, as amended 2007.

3.12 With reference to paragraph D16 of Annex D of PPS25 Officers' view is that the proposal, which would provide accommodation at second floor level, would be unlikely to raise significant flood risk issues.

#### 4.0 RECOMMENDATION

4.1 Grant planning permission.

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**Ward:** Munster

**Site Address:**

Henry Compton School Kingwood Road London SW6 6SN



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

**Reg. No:**

2008/03699/FR3

**Case Officer:**

Dominique Chambers

**Date Valid:**

09.01.2009

**Conservation Area:**

**Committee Date:**

13.05.2009

**Applicant:**

London Borough Of Hammersmith And Fulham  
Mr John Brownlow Henry Compton Secondary School Kingwood Road London  
SW6 6SN

**Description:**

Erection of a single-storey building adjoining the southern boundary of the school site, for use as a drama suite.

Drg Nos: 585011/2, 4, 5B, 6, 7, 8, 13, 14A.

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

Subject to there being no contrary direction from the Secretary of State, that the application be approved subject to the condition(s) set out below:

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

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

- 2) The development shall be carried out and completed only in accordance with the detailed drawings that have been approved, unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

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

- 3) The construction of the new building shall not commence until to the submission and approval in writing by the Council of details and samples, where appropriate, of all materials to be used on the external faces of the building and surface treatments (which shall include details of the bonding and pointing of any external facing brickwork), and no part of the development shall be used or occupied prior to the implementation of the approved details.

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

- 4) The construction part of the building hereby approved shall not commence until detailed drawings in plan, section and elevation, at a scale not less than 1:20



showing the elevations of the building, including details at 1:20 of the cladding, fenestration, and entrance doors have been submitted to and approved in writing by the Council. The relevant work shall be carried out in accordance with the approved details.

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

- 5) The construction work shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, fences and other means of enclosure (including gates and a timber fence to the northern boundary). No part of the development shall be used or occupied prior to the implementation of the approved details.

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

- 6) The occupation of the building hereby approved shall not commence prior to the submission and approval in writing by the Council of full details of all proposed external lighting, and the use shall not commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height and design and appearance of the lights and any lighting columns, together with data concerning the levels of illumination and light spillage and the specific measures proposed to ensure that the lighting does not harm the existing amenities of the occupiers of neighbouring properties

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policies EN2, EN8, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

- 7) The off-street car parking spaces hereby approved shall be marked out and the disabled car parking space shall not at any time be used for commercial purposes and the disabled parking bay (labelled Bay 1 and on drawing no ) shall remain available for use by disabled persons only.

In order to ensure the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with policy TN15 and standard 18.1 of the Unitary Development Plan, as amended 2007.

- 8) The occupation of the building hereby permitted shall not commence until the secure cycle storage facilities within the site for at least 12 bicycles have been installed in accordance with the approved details. The cycle storage shall then be permanently retained.

To ensure that satisfactory provision is made for cycle parking and to promote alternative, sustainable forms of transport, in accordance with Policy TN6 and Standard S20.1 of the Unitary Development Plan, as amended 2007.

- 9) The development shall not commence prior to the submission and approval in writing by the Council of details of the construction and appearance of the proposed green roof, and the new hall shall not be used or occupied prior to the construction of the roof in accordance with the approved details. The green roof shall thereafter be retained.

In order that the Council can be satisfied as to the details of the proposals, and to ensure the maximum ecological potential is achieved from these enhancements while being in keeping with the locality, in accordance with Policies EN2, EN6 and EN29 of the Unitary Development Plan, as amended 2007.

- 10) The building hereby approved shall only be used in connection with and for purposes incidental to the use of the remainder of the site for the provision of education or by local community groups, residents associations or other amenity/interest groups for the purpose of meetings. The building shall not be used or occupied for any other purpose, including wedding receptions, parties and musical events.

To ensure that the use of the building does not harm the amenities of the neighbouring residential properties as a result of noise and disturbance, in accordance with policy EN21 of the Unitary Development Plan, as amended 2007.

- 11) The building hereby approved shall only be used between 08.00 hours and 22.00 hours Monday to Saturday and between 09.00 hours and 18.00 hours on Sundays and bank holidays.

To ensure that the use of the building does not harm the existing amenities of the neighbouring residential properties as a result of noise and disturbance, in accordance with policy EN21 of the Unitary Development Plan, as amended 2007.

- 12) The use of the building 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. Windows and doors shall remain closed shut during the playing of music, during performances and noisy activities in the hall.

To ensure that the use of the building does not harm the existing amenities of the neighbouring residential properties as a result of noise and disturbance, in accordance with policy EN21 of the Unitary Development Plan, as amended 2007.

- 13) No part of the development hereby approved shall be used or occupied until all associated lighting has been fixed with timing devices, to ensure that the lighting is

not left on overnight, or when the building is not in use. The lighting timer devices shall thereafter be retained and maintained in an operational condition.

To ensure that the use of the building does not harm the existing amenities of the neighbouring residential properties as a result of light pollution, in accordance with policy EN21 of the Unitary Development Plan, as amended 2007.

- 14) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include contractors' 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. All works to be carried out in accordance with approved plan.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies EN21 and TN15 of the Unitary Development Plan, as amended 2007.

- 15) The construction work hereby permitted shall not commence until details of sustainable design and Construction measures including use of renewable technologies have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

To ensure that the development is consistent with sustainability objectives in accordance with London Plan Policy 4A.3.

- 16) The sustainable energy measures hereby required shall be implemented in accordance with the approved details.

In the interest of sustainability, in accordance with London Plan policies 4A.3, 4A.4, 4A.6, 4A.7 and the Council's Adopted Energy SPD.

- 17) The external noise emitted from plant, machinery or equipment at the development shall be lower than the existing background noise level by at least 10dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together and thereafter be permanently retained unless subsequently otherwise approved in writing by the Council..

To ensure that the noise from mechanical installation and equipment used in connection with the permitted use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20B and EN21 and standard 24 of the Unitary Development Plan, amended 2007.

- 18) 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 aeriels, 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 can be considered in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

- 19) No development shall commence until a desktop study, site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Council. The desk study will identify all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site. The site investigation scheme will provide information for an assessment of the risk to all receptors that may be affected, including those off site. The risk assessment will assess the degree and nature of any contamination on site and to assess the risks posed by any contamination to human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

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 G0, G3, EN20A and EN21.

- 20) No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council unless otherwise authorised. 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 should be detailed and verified in an amendment to the remediation statement. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with G0, G3, EN20A and EN21

**Justification for Approving the Application:**

- 1) The proposal would be of an acceptable visual appearance. The proposed development would not be detrimental to the appearance of the existing street scene or Listed Building and would preserve its character and appearance. The new teaching rooms and theatre would provide satisfactory accommodation for staff and students, and it is considered that the scale and massing of the building would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring properties, or on existing traffic and road safety conditions in the area. In this respect the development is judged to be acceptable assessed against Policies 3A.2 and 3A.3 of the London Plan and Policies EN8, EN10, TN13, TN15 and EN21 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 16th December 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
English Heritage London Region	26.01.09
Council For British Archaeology	11.02.09

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
NAG	20.01.09

## OFFICER'S REPORT

### 1.0 BACKGROUND

1.1 The application relates to Henry Compton School (a community school for boys aged 11 - 16 years), the main entrance to which is from Kingwood Road. The site is bounded by the Fulham Job centre building (northeast), residential properties in Marryat Square and the side elevation of 66 Danehurst Street (east), the rear of a terrace of residential properties in Lambrook Terrace (south), flats in Lygon House (southeast) and the rear of terraced properties on Fulham Palace Road (west). The site is not within a conservation area.

1.2 The current school site was formed by the amalgamation of two schools and the stopping up of parts of Branksea Street and Childerley Street. The main part three, part four-storey teaching block, with its principle front elevation facing southwest and its north side elevation facing Kingwood Road, is a Grade II listed building (dating from 1897), constructed from red and stock brick with some stone dressings and slate roofs with wooden turrets. There is a two storey extension accommodating the administration block to the northeast of the main teaching block. To the west of the main teaching block is the single storey gym which fronts Kingwood Road, the single storey assembly hall and the three-storey science block. Behind these buildings on the western boundary is the single storey Childerley Centre which is on the Local Register of Buildings of Merit.

1.3 In the centre of the school grounds, to the south of the main teaching block, is a modern single-storey dining hall building and, behind this, a four-storey art/music/ICT block and a two-storey caretaker's house to the west, both of which are on the Local Register of Buildings of Merit, and originally formed the main building of the former Childerley School. Behind the art/music/ICT block is a hard play area and there are single-storey buildings on the southern boundary. To the east of the site there are two formal outdoor games/recreation areas; the courts to the north are concrete and used predominantly for basketball, the games area to the south is astro-turf and used for football. The recent (2002) two storey Technology building is positioned in the northeast corner of the grounds (only the western half of this building is part of the School, the eastern half is occupied by the City Learning Centre).

1.4 The primary vehicle and pedestrian access to the site is from Kingwood Road with car parking in front of the administration block, main teaching block and gym. There is a service access from Childerley Street with car parking along the western boundary and a separate car parking area to the east of the Childerley Centre adjacent to the science building

### 1.5 RELEVANT PLANNING HISTORY:

2000 - Planning permission was granted for the erection of a two-storey building to provide a new technology facility for the school, a City Learning Centre and associated services. This permission has since been implemented.

2003 - Planning permission was granted for the resurfacing of part of the existing playground to form a games area, together with the construction of a 3m high fence around the Astroturf pitch. This permission has also been implemented.

1.6 The current application is for the erection of a single-storey building adjacent to the southern boundary of the school site (adjoining the rear of the terraced properties in Lambrook Terrace). The building would measure approximately 640 square metres comprising a drama studio (some 150 Square metres) and two new classrooms (70 and 90 square metres). The new classrooms are intended to be adaptable for use as a backstage area (in connection with the drama studio) and as a library, for consulting drama related reference material. The remaining floorspace comprises ancillary offices, storage, make up room, green room, toilets and showers (in the space left by the demolition of the semi-derelict toilet block).

1.7 The following additional information has been submitted in support of the proposals:

- "The drama studio and associated rooms will be used to teach drama and a range of Ntec vocational courses in Performing Arts and Media".
- "The average class size will be in the region of 20, during the school day (0830 to 1500 hours)."
- "The facilities will also be used after school for extra-curricular activities, school productions and other school based events. These activities would run from 1500 to 1700 hours. All of these activities involve pupils who will be on-site and will have no impact on the traffic and transport in the area."
- "The facilities will also be available on a booking system to other local schools that are all within walking distance of Henry Compton. The building is self-contained and can accommodate boys and girls. The courses would be similar to those described above, and the pupil numbers will be around 20 per class."
- "The wider community use will be mainly for our local community and would more likely take place after 1700 hours for our evening session. The use would be amateur dramatics, small community productions, community ICT access and other community functions."
- "There may be some community use during the school day and these would need to be timetabled use."
- "For all of these events visitors will be able to park on site, but we expect most of the community to be close to school. Any impact on transport will be minimal."

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been publicised by means of a site notice and a press advert, and individual notification letters have been sent to the occupiers of neighbouring properties and to the Hammersmith and Fulham Historic Buildings Group. Consultation letters have also been sent to English Heritage, Victorian Society, Twentieth Century Society, Georgian Group, Society for the Protection of Ancient Monuments, Council for British Archaeology and the Ancient Monuments Society.

2.2 No objections have been received from local residents.

2.3 English Heritage have confirmed that they "do not wish to offer any comments on this occasion" and recommend that the Council determine the application in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

2.4 A representation has also been received from LAMAS Historic Buildings & Conservation Committee (which acts for the Council for British Archaeology in respect

of Listed Buildings and applications within the Greater London area), observing that the proposal "was without scale or context appropriate to a Listed Building."

### 3.0 PLANNING CONSIDERATIONS

#### LAND USE:

3.1 Policy CS8 of the UDP, as amended 2007, states that the Council will seek to ensure the availability of land or buildings required for the provision of community service uses. The proposed development is intended to improve the existing facilities available at Henry Compton School and complies with policy CS8, subject to site specific considerations such as accessibility and environmental issues which are addressed below.

3.2 The proposed building has also been considered against Policy EN22X of the UDP, which relates to public or private open space that is not identified on the UDP proposals map. The policy states that development will not normally be permitted where it results in the loss of public or private open space where such land either individually or cumulatively has local importance for its open character or as a sport, leisure or recreational facility or for its contribution to local biodiversity or visual amenity, unless it realises a qualitative gain for the local community and provides for the relocation of the open space. In this case the proposals would improve existing facilities for pupils attending the school and also provide added benefits to the borough by offering after hours/community facilities. The proposal would therefore result in a qualitative gain for both pupils at the school and borough residents. In addition the design and access statement indicates that the building has sustainable features e.g. an extensive green roof, which would contribute to local biodiversity. In these circumstances it is considered that the overall benefit of the proposal would compensate for the loss of this area of tarmac.

#### DESIGN:

3.3 The school campus include the grade II listed building by TJ Bailey at its focus, and several buildings of merit surrounding it, including the 1904 main school building, the School keepers House and the Arts and Crafts lodge. The setting of these buildings has been impacted upon by extensions and additions of varying architectural quality. Officers consider that there is scope to add a new building of appropriate scale in the location proposed.

3.4 Consequently, there are no objections to the principle of a building on this part of the school site, and the main issues to be considered are: The relationship of the proposed building to the main school building [c.1904], which is a building of merit; and the quality and visual interest of the building in terms of its materials, roof form, design of its architectural elements such as the fenestration and canopies.

3.5 Assessed in this context the proposed development is considered to be acceptable. The scale and design of the proposed building is mindful of its context in relation to both the school building and adjoining residential properties. The detailed design of the elevations displays an appropriate level of visual interest, and the proposed mass is broken in an interesting way by the use of curved and angled roof forms. The silhouette is given further interest by the incorporation of windcatchers and



sunpipes, which together with the proposed green roof would add visual interest when overlooked.

3.6 The shape of the roof is dictated by the function of the building and the proximity of the residential properties to the south of the site. The brief required a high ceiling for the theatre with a minimum height of 4.7 metres to house the lighting and the sound control of the theatre resulting in the curved shape of the roof. In addition, the building had to provide additional facilities including two classrooms and a backstage area with workshop. The proximity of the residential buildings (5 metres) required a flat roof in the area adjacent to the boundary wall with Lambrook Terrace no higher than the height of the existing wall in order to protect the outlook of the residential windows. All the services are gathered in this square building with few openings. The roof of this part of the building will be a green roof softening the outlook of the residential occupiers in Lambrook Terrace.

3.7 The curved roof in front of the block housing the facilities follows the shape of the curved ceiling housing the theatre. The limited amount of light required by the function of the building, preventing west sunlight to come in, results in small windows on the south west facade. The northwest elevation which will receive little or no sunlight has larger windows and the whole building is mostly clad in larch timber giving a modern appearance to the building. The building has been designed to contrast with the surrounding buildings emphasising its function and contrasting with the traditional appearance of more traditional buildings around. It is also reminiscent of the modern building at the north east corner of the site.

## TRAFFIC

3.8 Policy TN15 requires developments to conform to the approved car parking standards. There are no specific requirements for education establishments; each application is treated on its own merits. Under the present arrangement there are a number of cars parked in the school playground although these are not formally allocated. It is proposed to have 4 marked parking spaces to the north of the site. These will be allocated for staff. There will be 14 marked visitors' car parking spaces including 2 disabled bays to the south of the site all of them can be used during the day and at night. The playground will be marked to provide a clear access path from the gates of the school to the doors of the drama school. There are a number of bus routes along Fulham Palace Road and bus stops in close proximity to the school and underground station within walking distance and therefore the school benefits from good public transport.

3.9 Although the marked access path does not allow two-way traffic this is considered acceptable for the small number of vehicles likely to use it.

3.10 Policy 4B.5 of the London Plan deals with creating an inclusive environment and states that the Mayor will require all future development to meet the highest standards of accessibility and inclusion. In addition to this policy, the Council's SPD 'Access for All' is a material consideration. The key planning requirements for new developments is to ensure easy access to and around the development. The above parking and access measures will contribute to these objectives. All doors to the development will be level threshold. Routes from the disabled car parking spaces will be clearly signposted and ramps will be provided along the route between the parking and the building where necessary. All gradients around the building will be 1 in 60 falls or less and new steps

will have risers not exceeding 150mm and goings exceeding 300mm with nosings highlighted and visually contrasting and handrails on both sides. Other accessibility matters such as internal layout and facilities are covered by the building regulations; however, it is noted that a lift could be provided in the proposed new building, in order to give access to the gantry and that a disabled WC's and wet room can be provided within the development.

3.10 Policy TN6 requires safe and secure cycle parking provision, in accordance with Standard S20. It is proposed to provide 12 bicycle racks. This meets UDP standard which requires 1 space for each staff/student. The parking will be provided within the playground and entrance to the site will be controlled by an electronic gate and swipe card.

3.11 The school has existing refuse storage facilities and it is not expected that the new building will generate any significant amount of refuse.

#### SUSTAINABILITY AND ENVIRONMENTAL CONSIDERATIONS:

3.12 Sustainability and environmental considerations have been incorporated within the design by the inclusion of the following:

- An extensive green roof. This will be of the low planting type (sedum) which requires minimum maintenance and will contribute to energy conservation, acoustic performance and reduced CO2 emissions.
- Siberian larch used for timber cladding will be certified as obtained from renewable sources.
- Natural ventilation via opening windows throughout and "windcatchers" to ventilate and cool the drama studio, with suncatchers serving internal rooms.
- Solar panel will be mounted on the roof to provide water heating.
- Energy saving devices will be applied in the form of a condensing boiler and movement and light sensors will limit the use of electricity.
- Recycling is incorporated in several ways: use of external aerated concrete bloc which is accredited to incorporate recycled materials in its manufacture, the use of composite window systems comprising timber and aluminium which are both recyclable. A site waste management will be included within the contract to ensure that unused building materials are segregated and distributed to recycling sites.
- Floor finishes will be slip resistant vinyl sheeting which has achieved a BREEAM rating.

#### RESIDENTIAL AMENITY:

3.13 In assessing the potential impacts of new development, Policy EN8 requires a number of design criteria to be taken into account, one of which relates to principles of good neighbourliness. An indicator of possible harm to neighbours relates to whether daylight or sunlight to adjoining or nearby buildings would be adversely affected as a result of the proposed development. The only habitable rooms facing the new building are the rear windows of the properties in Lambrook Terrace. The existing boundary wall is 3.5 metres high. The part of the new building adjacent to the wall will not exceed the height of the wall and therefore the outlook, daylight and sunlight to those windows will not be altered.

3.14 The amount of natural lighting to the drama studio is restricted by providing fenestration on two sides only with the emphasis placed on acoustics to afford the

maximum use of the space. There will also be facilities for completely blacking out the studio for evening performances. There will be natural ventilation provided by Monodraught "Windcatchers" inserted in the vaulted roof, high louvres dissipating the heat produced by the lighting track and opening lights within the windows. The classrooms will be fitted with full width north lights fitted in the asymmetrical roof. Natural ventilation will be via electrically operated opening lights. None of those features will have a significant impact on daylight or sunlight to neighbouring properties.

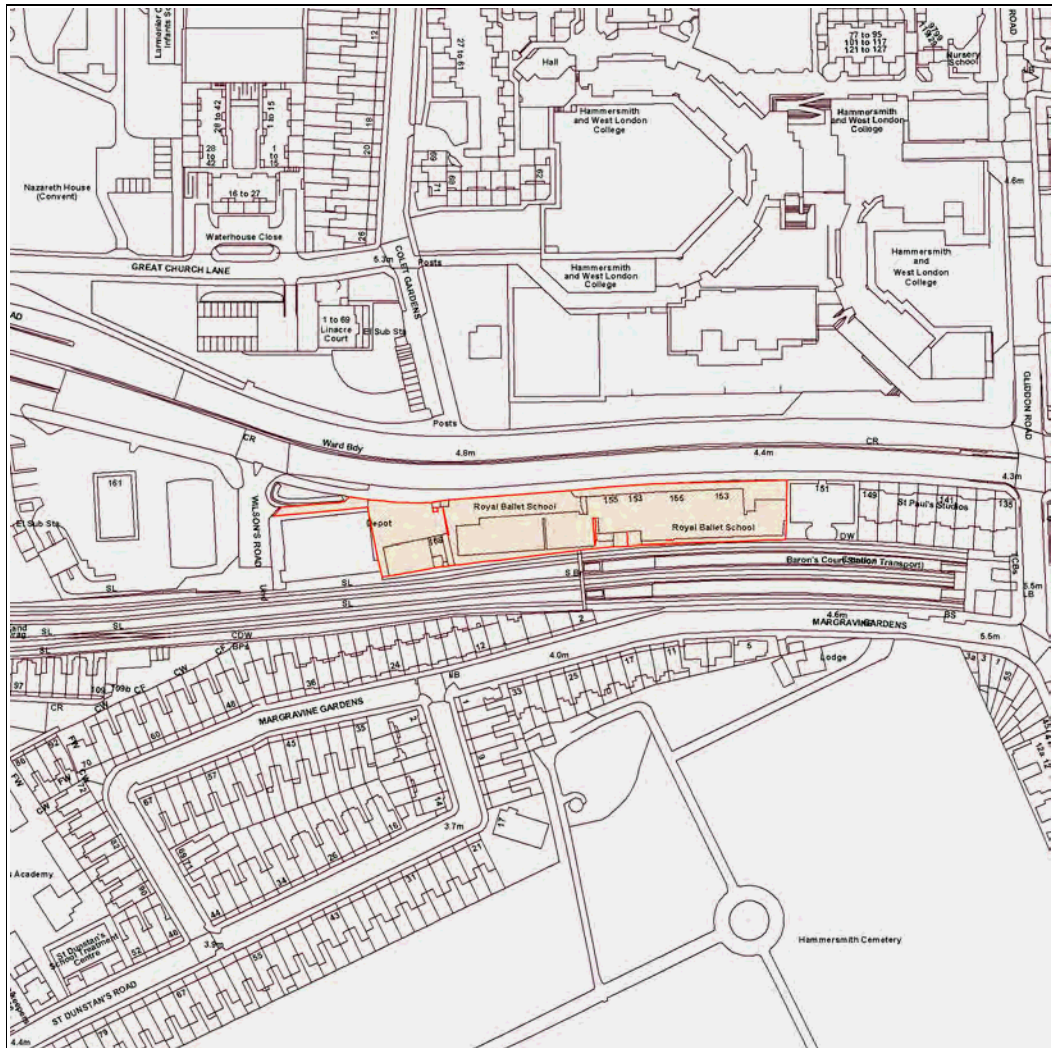
3.15 Policy EN21 aims to ensure that no undue detriment to the general amenity at present enjoyed by the existing surrounding occupiers of their properties. The building has been design to meet a high standard of sound unsulation and doors will be fitted with automated self closing devices. Noise emitted within the building will therefore be contained. The proposal would not therefore result in undue detriment to surrounding residential occupiers.

#### 4.0 RECOMMENDATION

4.1 Grant planning permission.

**Ward:** Fulham Reach

**Site Address:**  
155 - 169 Talgarth Road London



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

**Reg. No:**  
2008/03482/FUL

**Case Officer:**  
Dominique Chambers

**Date Valid:**  
21.11.2008

**Conservation Area:**  
: Baron's Court Conservation Area - Number 27

**Committee Date:**  
13.05.2009

**Applicant:**

Mr Peter James  
155 Talgarth Road London W14 9DA UK

**Description:**

Erection of a predominantly four-storey building providing approximately 3180 square metres of teaching accommodation, and a practice theatre (approximately 1809 square metres) with ancillary fly-tower and related facilities. (See also conservation area consent ref. 2008/03610/CAC).

Drg Nos: 0712-PL 004B, 005-1C, 005-2B, 006A, 008B, 009-1C009-1C, 010B, 011B, 012A, 13A

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall be carried out and completed only in accordance with the detailed drawings that have been approved, unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

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

- 3) The construction of the new building shall not commence until to the submission and approval in writing by the Council of details and samples, where appropriate, of all materials to be used on the external faces of the building and surface treatments (which shall include details of the bonding and pointing of any external facing brickwork), and no part of the development shall be used or occupied prior to the implementation of the approved details.

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

- 4) The construction part of the building hereby approved shall not commence until detailed drawings in plan, section and elevation, at a scale not less than 1:20 showing typical bays of the elevations of the building, including details at 1:20 of the cladding, fenestration, and boundary walls have been submitted to and approved in writing by the Council. The relevant work shall be carried out in accordance with the approved details.

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

- 5) The occupation of the building shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, fences and other means of enclosure (including gates and a timber fence to the northern boundary). No part of the development shall be used or occupied prior to the implementation of the approved details.

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

- 6) The development shall not commence until the tree protection measures described in appendix 3 of the arboricultural report prepared by ACS consulting (London) dated 5 June 2008, have been implemented.

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

- 7) Work to trees within and adjacent to the application site shall be carried out in accordance in accordance with BS3998:1989 "Recommendations for Tree Work".

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

- 8) No works or development shall take place until a scheme for supervision of the arboricultural protection measures has been submitted to and approved in writing by the Council. The relevant work shall be supervised thereafter in accordance with the approved scheme.

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

- 9) The development shall not be occupied until the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of any trees and shrubs. 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 buildings, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2B, EN8 and EN26 of the Unitary Development Plan, as amended 2007.

- 10) The sustainable design and construction measures , including energy efficiency and renewable energy measures as outlined in the Sustainability Statement shall be implemented in accordance with the approved details.

In the interest of sustainability, in accordance with London Plan policies 4A.3, 4A.4, 4A.6, 4A.7 and the Council's Adopted Energy SPD.

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

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

- 12) The occupation of the building hereby approved shall not commence prior to the submission and approval in writing by the Council of full details of all proposed external lighting, and the use shall not commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height and design and appearance of the lights and any lighting columns, together with data concerning the levels of illumination and light spillage and the specific measures proposed to ensure that the lighting does not harm the existing amenities of the occupiers of neighbouring properties

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policies EN2, EN8, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

- 13) All off-street car parking spaces hereby approved shall be maintained for the life of the development and the disabled car parking space shall not at any time be used for commercial purposes and the disabled parking bay (labelled Bay on drawing no ) shall remain available for use by disabled persons only.

In order to ensure the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street

car parking stress in the area, in accordance with policy TN15 and standard 18.1 of the Unitary Development Plan, as amended 2007.

- 14) The occupation of the building hereby permitted shall not take place until details of security / control measures including signage to manage the use of the off street car parking spaces have been submitted to and approved in writing by the Council. Such details shall be implemented prior to occupation or use of the development.

In order to ensure the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with policy TN15 and standard 18.1 of the Unitary Development Plan, as amended September 2007.

- 15) The construction part of the work hereby permitted shall not commence prior to the submission and approval in writing by the Council of details of the provision of secure cycle storage facilities within the site for at least 50 bicycles. No part of the development shall be used or occupied prior to the installation of the secure cycle storage in accordance with the approved details.

To ensure that satisfactory provision is made for cycle parking and to promote alternative, sustainable forms of transport, in accordance with Policy TN6 and Standard S20.1 of the Unitary Development Plan, as amended 2007.

- 16) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include contractors' 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. All works to be carried out in accordance with approved plan.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies EN21 and TN15 of the Unitary Development Plan, as amended 2007.

- 17) The construction work hereby permitted shall not commence until details of sustainable design and Construction measures including use of renewable technologies have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

To ensure that the development is consistent with sustainability objectives in accordance with London Plan Policies 4A.3.

- 18) The sustainable energy measures hereby approved shall be implemented in accordance with the approved details.



In the interest of sustainability, in accordance with London Plan policies 4A.3, 4A.4, 4A.6, 4A.7 and the Council's Adopted Energy SPD.

- 19) The external noise emitted from plant, machinery or equipment at the development shall be lower than the existing background noise level by at least 10dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together and thereafter be permanently retained unless subsequently otherwise approved in writing by the Council..

To ensure that the noise from mechanical installation and equipment used in connection with the permitted use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20B and EN21 and standard 24 of the Unitary Development Plan, amended 2007.

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

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

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

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policy EN19A and EN21 and of the Unitary Development Plan, as amended 2007.

- 23) No development shall commence until a desktop study, site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Council. The desk study will identify all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site. The site investigation scheme will provide information for an assessment of the risk to all receptors that may be affected, including those off site. The risk assessment will assess the degree and nature of any contamination on site and to assess the risks posed by any contamination to

human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with G0, G3, EN20A and EN21 as amended 2007.

- 24) No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council unless otherwise authorised. 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 should be detailed and verified in an amendment to the remediation statement. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with G0, G3, EN20A and EN21 as amended 2007.

- 25) The proposed building hereby approved shall only be used in connection with and for purposes incidental to the use of the remainder of the site for the provision of education. The building shall not be used or occupied for any other purpose , including wedding receptions, parties or public events.

To ensure that the use of the building does not harm the amenities of neighbouring residential properties as a result of noise and disturbance, in accordance with policy EN21 of the Unitary Development Plan as amended in 2007.

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

- 1) The proposal would be of an acceptable visual appearance, and would result in the regeneration of an underused site, in close proximity to the Hammersmith Town Centre. The proposed development would not be detrimental to the appearance of the existing street scene and would preserve the character and appearance of the Barons Court Conservation Area. The new teaching rooms and theatre would provide satisfactory accommodation for staff and students, and it is considered that the scale and massing of the building would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring properties, or on existing traffic and road safety conditions in the area. In this

respect the development is judged to be acceptable assessed against Policies 3A.2 and 3A.3 of the London Plan and Policies EN2, EN8, EN10, TN13, TN15 and EN21 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 20th November 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:** **Dated:**

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
16A Margravine Gardens London W6 8RH	17.12.08
2 Margravine Gardens London W6 8RH	29.12.08
2 Margravine Gardens London W6 8RH	29.12.08
39 - 41 Charing Cross Road London WC2H 0AR	24.12.08
NAG	19.12.08
NAG	22.12.08
NAG	22.12.08
16 Margravine Gardens London W6 8RH	23.12.08
NAG	24.12.08
13 Barton Court Baron's Court Road London W14 9EH	27.12.08
NAG	29.12.08
NAG	29.12.08
139 Gloucester Road London SW7 4TH	16.12.08
29 Kelso Place London W8 5QG	15.01.09
Flat 4 43 Onslow Square London SW7 3LR	23.12.08
Top Flat 6 Margravine Gardens Baron Court London W6 8RH	05.01.09
NAG	18.12.08
NAG	18.12.08
NAG	18.12.08
1 - 7 Woburn Walk London WC1H 0JJ	12.01.09
47 Palliser Road London W14 9EB	06.01.09
NAG	15.01.09

Lawford House Albert Place London N3 1RL	19.01.09
20A Margravine Gardens London W6 8RH	24.12.08
NAG	19.12.08
NAG	20.12.08
48 St Dunstan's Road London W6 8RB	20.12.08
16 Cromwell Crescent London SW5 9QW	20.12.08
22 Tower Street London WC2H 9TW	24.12.08
The Courtyard Theatre Southern Lane Stratford-upon-Avon Warwickshire CV37 6BB	23.12.08
Shop 3 Gliddon Road Barons Court Road W14 9BH	23.12.08
55 Palliser Road London W14 9EB	22.12.08
11 Herbal Hill Clerkenwell Road London EC1R 5EG	22.12.08
Archers Cottage Fletching Uckfield East Sussex TN22 3SA	17.12.08
32 Rose Street London WC2E 9ET	19.01.09
The Study Society 151 Talgarth Rd London W14 9DA	19.12.08
NAG	30.12.08
62 Colet Gardens London W14 9DN	02.01.09
14 Horder Road London SW6 5EE	31.12.08
32 Rose Street London WC2E 9ET	14.01.09
66 The Cut London SE1 8LZ	14.01.09
19 Margravine Gardens London W6 8RL	16.12.08
40 Cumberland Street London SW1V 4LX	11.12.08
5 Courtfileld Castlebar Hill London W5 1TA	11.12.08
Wates House Station Approach Leatherhead Surrey KT22 7SW	11.12.08
Flat 4 18 Melbury Road London W14 8LT	10.12.08
Flat 1 Warren House Beckford Close Warwick Road London W14 8TT	10.12.08
53 Margravine Gardens London W6 8RN	17.12.08
59 St Dunstan's Road London W6 8RE	17.12.08
60 Margravine Gardens London W6 8RJ	18.12.08
71 Margravine Gardens London W6 8RN	17.12.08
NAG	12.01.09
NAG	13.01.09
Flat A Ground Floor 54 Fairholme Road London W14 9JY	09.12.08
49a Ossington Street London W2 4LY	26.01.09
704 Keyes House Dolphin Square London SW1V 3NB	27.01.09
15 Holland Park Avenue London W11 3RN	21.01.09
Doreen Jones Casting Director, 20 Redmore Road, London W6 0HZ	22.01.09
Margaret E. Maruschak NAG	22.01.09
26 - 28 Finchley Road St John's Wood London NW8 6ES	06.02.09

## OFFICER'S REPORT

### 1.0 BACKGROUND

1.1 The application relates to the site adjacent to and connected with the LAMDA building on the south side of Talgarth Road. The application site is at the western end of the LAMDA buildings nearest to the BP garage. The main school building is a building of merit and the whole site is within the Baron's Court conservation area.

1.2 LAMDA is a nationally/internationally renowned institution. Established in 1861, it is the oldest drama school in the United Kingdom. It provides a broad spectrum of education and training in the field of the dramatic arts. It also provides a stage management and technical theatre course. It is the oldest Drama school in the United Kingdom.

1.3 In 2003 LAMDA purchased the former home of the London Ballet School (155 Talgarth Road) with a long term aim of bringing all its teaching facilities onto this site. With this aim, it started a refurbishment program consisting of two phases: firstly the refurbishment of the existing building and secondly the construction of a new building of approximately 4990 sq m to provide teaching studios and a practice theatre. The applicants state that the two new buildings will secure the future of LAMDA for the years to come and provide the necessary facilities for the functioning of the academy.

1.4 This second phase constitutes the present planning application. The existing buildings on this part of the site will be demolished and replaced by a four storey building linked to the existing listed building to provide 3181 sq metres of teaching accommodation, and a practice theatre of 1809 sq metres with a fly-tower and ancillary accommodation. The new theatre is primarily a training facility and will accommodate 200 seats and this number can be increased to 350, which represent the number of students and full time staff. Although the new building will accommodate some facilities located elsewhere like the theatre, the number of students and staff will remain the same as all the facilities provided are for existing students. The proposals also involve the removal of an existing crossover on the Talgarth Road frontage. At the moment the college allows the local community to get involved in their productions and allow them to use their premises. There will be no change in this arrangement.

1.5 A separate application has been submitted for the necessary conservation area consent to demolish the existing buildings on the site. This report covers both applications.

1.6 The application has been revised since its original submission. In particular, the applicants have investigated ways of reducing the bulk and height of the building in order to minimise the impact on the residential properties to the rear in Margravine Gardens. The height of the fly tower has been reduced by 1.7m; the rooftop plant has been reorganised and the associated perimeter screen relocated such that they are now significantly further toward the centre of the roof, where they will have minimal impact; and the library roof profile has been revised and the 1.8m high perimeter screens to the roof terrace area have been replaced with a 1.1m high handrail, such that the impact of these elements is minimised.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The applications have been publicised by means of site notices and press adverts, and individual notification letters have been sent to the occupiers of adjoining and surrounding properties, to the Hammersmith and Fulham Historic Buildings Group, the Hammersmith society, and the Barons Court Residents' Association. Transport for London, English Heritage and the Environment Agency have been consulted on the application.

2.2 40 representations have been received in support of the application (incl. Conservatoire for Dance and Drama, RSC, Theatrical Management Association, Young Vic, RA of Dramatic Arts, Central School of Ballet, Ambassador Theatre Group, Wates Foundation, Society of London Theatre and from some local residents). To be weighed against this 13 objections have been received from properties in Margravine Gardens. The contents of these representations can be summarised as follows:

Representations in support:

- LAMDA is an international leader in the field of drama and has re-introduced a cultural aspect to Hammersmith and Fulham
- It is a centre of excellence for young people and makes a valuable contribution to H&F
- It is a hot house of talent in the UK drama industry.
- It would help rebuild a sense of place to the area.
- It would make a positive contribution which would enhance the image of H & F.
- LAMDA is an important part of the art community.
- It contributes to the training of artists.
- They need a building to carry out their performance and continue their excellent work.
- The consolidation of the site can only benefit the borough and the students.
- The scheme is sensitive to the conservation area.
- Its location is ideally suited to its use and will enhance H & F as a borough making a positive contribution.
- Its location is a key to its development and its growing reputation.
- It is an impressive new building and provides a complementary transition to the old buildings.
- It will visually improve the neighbourhood.
- It will support the growth of its and other local businesses.
- The artistic community has a great deal to offer.
- It will mean that training, rehearsing and performing can take place under one roof.
- Many local residents are actively involved

Objections to the development:

- Loss of light
- Harm to visual amenity.
- Overlooking and noise/disturbance.
- Scale of the building would "dominating the skyline".
- Proposal would be overdominant in relation to the residential properties to the rear
- Development would harm the character of the area.
- Loss of outlook/prospect ("view of the sky and the tree tops would disappear").
- Building should be no more than 4-storeys in scale.
- Design of the building is too large and too modern, and out of keeping with its historic setting and with existing buildings
- Development would increase the existing train noise.
- Loss of trees.

## 3.0 PLANNING CONSIDERATIONS

### LAND USE

3.1 LAMDA is recognised as having an important regional (and indeed national and international) sphere of operation and requires further expansion to reach its full potential. Policy CS8 of the UDP, as amended 2007, states that the Council will seek to ensure the availability of land or buildings required for the provision of community service uses. The proposed development is intended to improve the existing LAMDA facilities and is judged to comply with policy CS8, subject to site specific considerations such as accessibility and environmental issues which are addressed below. The site of the proposed development is currently underused and the proposal comprises a more efficient use of the land.

### DESIGN

3.2 The site on which the proposed building is to be located is a narrow strip of land between Talgarth Road and the underground railway tracks. The buildings aligning the street frontage vary in age and architectural style but share a similar scale and each has a strong visual presence and contributes positively to the terrace. They include two buildings on the Council's register of Buildings of Merit. Of particular note is 155 Talgarth Road a late Victorian building with a handsome façade in Queen Anne style. The western part of the site, subject of this application accommodates single storey buildings of no architectural merit behind a brick wall. The site has some significant trees both within the site and on its boundary.

3.3 The opportunity exists to develop the site with a high quality distinctive piece of architecture of an appropriate scale which would complete the run of fine buildings along this edge of the street, which begins with Colet Court and the grade II listed St Paul's Studio. Significant improvement to the frontage of the site would lead to an enhancement of the conservation area and the townscape. The character profile of the CA identifies the site as an opportunity site where visual improvement would be desirable and could be achieved through redevelopment.

3.4 The proposal involves the demolition of the existing no 157 and 159 Talgarth Road and its replacement with a new building of composite parts which would generally rise to four storeys with a fly tower at the western end associated with the practice theatre. The existing boundary wall would be removed and the frontage opened up and animated with new landscaping. Alterations to the adjacent building of merit at no 155 would be undertaken to make internal connections with the new development.

3.5 The proposed buildings are set on the dominant building line established by the existing façade. The footprint of the proposed building pushes out to each boundary to maximise the development potential, and the height of the proposed buildings approximate the height of the existing buildings along the frontage. In terms of proposed massing, the taller element is located at the western end of the front elevation where it is visually less sensitive being furthest from the residential properties in Margravine Road, listed buildings and buildings of merit along the Talgarth Road. The western part of the site is also closer to a set of building of progressively greater height than the rest of the existing frontage. The architects have referred to it as "an urban landmark which bookends the edge of the conservation area". Whilst it would be unquestionably taller

than general height along this part of the conservation area, officers concur with the architect's view of the positive nature of this part of the proposal.

3.6 The elevations of the teaching and rehearsal studio blocks are broken into four bays expressed by full height slot windows and the ventilation terminals which reflect the rhythm and plot width of the adjoining buildings. The design is modern using metal, brick and glass which aims to reflect the verticality of the general composition and fenestration of the existing facades and through the scale, depth and detailing aimed to complement the texture and richness of their neighbours. The theatre building is expressed as a separate entity but would remain visually connected to the teaching blocks by the continuation of the brick plinth to the building and the use of the deep vertical mullions which would provide some protection to users from the harsh environment of the Talgarth Road, but would also unable views of the interior to be revealed and enjoyed by passers by.

3.7 The brick plinth would be sympathetic with the general tone and colour of the existing LAMDA buildings on the site. Above the solid and robust plinth the main body of the building would be given a lighter more delicate character to reflect the emphasis of the neighbouring buildings such as St Paul's Studios and number 155. Here the screen and projecting fins would be bronze treated aluminium.

3.8 Officers consider that the proposed development would therefore make a positive contribution to the appearance of the street scene and would enhance the character and appearance of the conservation area, in accordance with policies EN2, EN6 and EN8 of the UDP, as amended 2007.

## SUSTAINABILITY AND RENEWABLE ENERGY

3.9 Policy 4A.7 of the London Plan deals with energy efficiency and renewable energy and states that the Mayor will and boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. Energy use will be controlled through the use of high insulation building materials for the floors, wall, roof and windows, use of natural daylighting, solar heating and natural ventilation.

3.10 The energy statement provides all the required information, including an assessment of energy demand and CO<sub>2</sub> emissions, an outline of the energy efficiency measures to be implemented and their performance in terms of CO<sub>2</sub> reduction, as well as a study of the feasibility of installing renewable energy on-site.

3.11 Key energy efficiency measures designed into the development include: The use of high insulation building fabric for walls, floors and roofs and high performance double glazing; the windows mounting and locations have been designed to make the best use of natural light and solar gain and while minimising overheating in the summer and heat loss in the winter; the theatre (for which daylight is not deemed suitable) will be lit with energy efficiency lighting and other locations will have occupancy sensor controls to keep lighting at the required levels and cut unnecessary use; natural ventilation has been incorporated where possible.

3.12 The energy assessment show that space heating , cooling and lighting are the main sources of energy use, so the design has concentrated on reducing energy



demand from these areas. With the energy efficiency measures in place, the base line CO2 emissions are calculated to be just over 200 tonnes a year, considerably lower than the level of emissions normally associated with this type of development.

3.13 It is also intended to install 2 types of renewable energy technology to reduce CO2 emissions by a further 45.5 tonnes. A small roof mounted solar water heating system (10.2 m<sup>2</sup>) will help meet the demand for hot water reducing CO2 emission by about one tonne a year. The main installation is Ground Source Heat Pump (GSHP) which will provide a proportion of the heating and cooling demand for the development, reducing CO2 emissions by 44.5 tonnes.

3.14 Overall, the proposals comply with the Development Plan Policies on sustainable energy, including the requirement to reduce CO2 emissions by 20% from the base line levels.

## NOISE AND POLLUTION

3.15 The applicants commissioned an acoustic advice report on the design of the proposed building. A 24 hours survey of noise and vibration was carried out at a north facing window in Margarine Gardens. This establishes a datum for existing noise exposure to residential buildings opposite. The report shows that the new building can be operated normally without disturbance to nearby residential buildings, either from activity or services noise. CADNA (computer aided drawing noise assessment) traffic noise modelling of the whole site before and after construction for traffic and train noise show that there are no significant increase in noise levels on the Margravine Gardens northern facades due to reflection of train noise from the new south facade.

3.16 The pollution Control team raised no objection to the proposal provided that conditions controlling noise generation from the music room, performance halls and studios and noise emitted from machinery above existing background noise levels are controlled by conditions in accordance with policies EN20B and EN21 .

## TRAFFIC

3.17 Policy TN15 requires developments to conform to the approved car parking standards. There are no specific requirements for education establishments; each application is treated on its own merits. The proposed theatre is intended as a practice theatre for performances related to the work of the academy. The theatre is also intended for occasional performances for the whole school and has a maximum capacity of 350 people. Currently there are 75 staff and 250 students on the Talgarth Road site and it is stated that no change in staff or student numbers will result from the proposed development.

3.18 It is proposed to reduce the number of car parking spaces from 20 to 3 (including 1 disabled person space). Reduction in the number of car spaces is welcome and acceptable being in line with Government guidance PPG13 and UDP policy G4. Standard S18.1 and table 12.2 require that each site be considered on its merits. The site has a PTAL value of 5 which is considered good and therefore supports a proposal which seeks to minimise car trips.

The proposed access to the parking area is off Wilson's Road which is an approximately 3 metres wide private approach road with an exit onto Talgarth Road. It is proposed to

close the direct exit onto Talgarth Road and use the private access road off Wilson's Road as both an entrance and exit to the site.

3.19 Although the entrance road is sub-standard in that it does not allow two-way traffic this is considered acceptable given that it will be used only for access to the disabled parking spaces and for occasional deliveries.

3.20 Policy 4B.5 of the London Plan deals with creating an inclusive environment and states that the Mayor will require all future development to meet the highest standards of accessibility and inclusion. In addition to this policy, the Council's SPD 'Access for All' is a material consideration. The key planning requirements for new developments is to ensure easy access to and around the development. The above parking and access measures will contribute to these objectives. In addition, the agent has provided a design and access statement demonstrating access for the scheme. All doors to the development are level threshold. Routes from the disabled car parking space/s will be clearly signposted and ramps will be provided along the route between the parking and the building. All gradients around the building will be 1 in 60 falls or less and new steps will have risers not exceeding 150mm and goings exceeding 300mm with nosings highlighted and visually contrasting, and handrails on both sides. Other accessibility matters such as internal layout and facilities are covered by the building regulations; however, it is noted that a lift would be provided in the proposed new building, and that disabled WC's and wet rooms are provided within the development.

3.21 Policy TN6 requires safe and secure cycle parking provision, in accordance with Standard S20. It is proposed to increase the provision of cycle space to 50. This meets UDP standard which requires 1 space for each staff/student and one space per 50 seats in the theatre. The parking will be provided behind railings which run alongside the pavement facing the exit and entrance to the site will be controlled by an electronic gate and swipe card. The rest of the cycle spaces will be at the rear of the building in a secured space.

3.22 Policy 3C.2 of The London Plan seeks to match development to transport capacity and requires transport assessments and travel plans for major developments. A travel plan has been submitted. It is noted that the school is not increasing the number of students or teachers. As such, there will be no increase in student or staff movements to and from the school. However the travel plan endeavours to meet the S.M.A.R.T objectives which seeks to provide the opportunity to enforce positive travel behaviour and encourages them. This will allow the identification of characteristic behaviour to be measured and measures to be put in place to change travel habits beneficially including movement resulting from the use of the theatre by staff, students and the community. It is considered that the travel plan is capable of meeting these objectives.

3.23 The existing refuse store will be relocated at the western end of the building and will be accessible from the new access road. The school does not currently have any existing separate recycling facilities on site, which is required in accordance with Policy EN17. The proposal will provide separate refuse and recycling facilities with a more accessible approach.

#### DAYLIGHT/SUNLIGHT

3.24 In assessing the potential impacts of new development, Policy EN8 requires a number of design criteria to be taken into account, one of which relates to principles of

good neighbourliness. An indicator of possible harm to neighbours relates to whether daylight or sunlight to adjoining or nearby buildings would be adversely affected as a result of the proposed development.

3.25 The Building Research Establishment's (BRE) report 1991 'Site Layout Planning for Daylight and Sunlight - A guide to good practice' is an accepted and appropriate guide in the assessment of such issues. Whilst there are no policies or standards in the UDP that specifically refer to the BRE guidance it is nevertheless common practice for officers to refer to it when assessing the impact of development on neighbouring properties. It should be noted, however, that the BRE advice is not mandatory, and the guidelines themselves state that they should not be seen as an instrument of planning policy. The aim of the BRE guidance is to "help rather than constrain the designer" and although it gives numerical guidelines it also states that "these should be interpreted flexibly, because natural lighting is only one of many factors in site layout design".

3.26 The development currently before the Committee complies with these guidelines, and, accordingly, it is not considered that it would have an unacceptable impact on the existing amenities of the occupiers of neighbouring properties, including the properties to the rear in Margravine Gardens, in terms of loss of Daylight or sunlight.

## OUTLOOK

3.27 A building proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining occupiers of their properties. Although the degree of impact is dependant upon the proximity and the scale of the development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point a ground level normally where it adjoins residential properties at the rear where the gardens are less than 9 metres. The 3 storey building easily clears this line. Where the residential properties face the fly tower, the 45 degrees line clear the fly tower from a point 2 metres high at a distance of 7 metres instead of 9 metres. Given that the distance between the proposed building and the residential properties at this point is 28 metres and the fact that the height of the fly tower has been reduced significantly to the point that it could no longer serve its purpose if it was further reduced, it is considered that the impact of this part of the scheme would not be so significant as to justify refusing planning permission, particularly when seen in the context of the benefits of the development as a whole. Furthermore the design and choice of materials are considered to make a positive contribution to the urban landscape.

## TREES

3.28 At the moment the properties in Margravine gardens overlook the trees at the bottom of their gardens, the trees on the bank of the railway opposite, the low scale buildings behind and beyond the Talgarth Road and the residential tower beyond. None of the buildings in the direction of the proposed development are of any merit or contribute to the outlook from the properties to the south in a positive way. They do however allow an open view from the windows but essentially the trees contribute positively to their visual amenities.

3.29 Given the long and narrow shape of the site and the proposed expansion of LAMDA, most of the site will be required for the new building, and therefore the benefits of both the school have to be balanced against the loss of the trees. The growth of the

trees threatens the stability of the embankment and their survival is dependent upon severe control of their growth. The new building is likely make an important and positive contribution to the educational facilities offered and will play an important part to the development of facilities in the borough. The applicants have tried to compensate the loss of some trees by providing some green screening at first and third floor level. Given the constraints of the site and its proximity to the main building, it would not be possible to preserve the long views through the site if the school is to continue its program of improvement. On balance it is considered that the quality of the replacement building and the landscaping will compensate to a certain extent any loss of amenities resulting from the proposal.

## LANDSCAPING

3.30 A report has been commissioned by LAMDA to 1) assess the trees in accordance with BS 5837:2005 " Trees in relation to construction-recommendations; 2) detail the arboricultural consequences of the proposed project and assess its visual impact upon trees and amenity; 3) provide recommendation for effective tree protection which are commensurate and appropriate for the scale and type of development; and 4) develop a tree protection strategy for the duration of the construction including any land preparation or demolition work.

3.31 A total of 11 trees have been recorded on the site. Six plane trees are located at the front of the building facing the Talgarth Road. The other five trees are along the rear boundary of the site close to the underground track and they are one oak, two horse chestnuts, and two trees of heaven. The configuration of the site (it is a long and narrow site) and its proximity to the underground track limits the flexibility of its use. In order to construct a building suitable for the use of the college a new building would conflict with the retention of all the existing trees to the south. To the rear the presence of a retaining wall holding the bank adjacent to the underground would prohibit the retention or replacement of the existing trees if a building was built on the site fairly close to the track. The trees in this location were assessed to be of medium impact on the amenities of residents to the south. Although the loss of the trees softens the long views from Margravine Gardens, their loss will be compensated by the mitigated measures of climbers grown on screens at ground and third floor levels. At the front of the building it is proposed to remove one mature plane since its position on the site would prevent the construction of a building adequate for the need of the college. It will be replaces by 3 semi mature trees providing a screen between the Talgarth Road and the front elevation of the new building.

3.32 Given the need for a new building, its satisfactory design and choice of materials, it is considered that the loss of a number of trees is measured in terms of the value of the new building to the school and the community. On balance it is considered that the benefits associated with the proposed building including the additional planting, compensate to a reasonable extent to the loss of the trees.

## FLOOD RISK

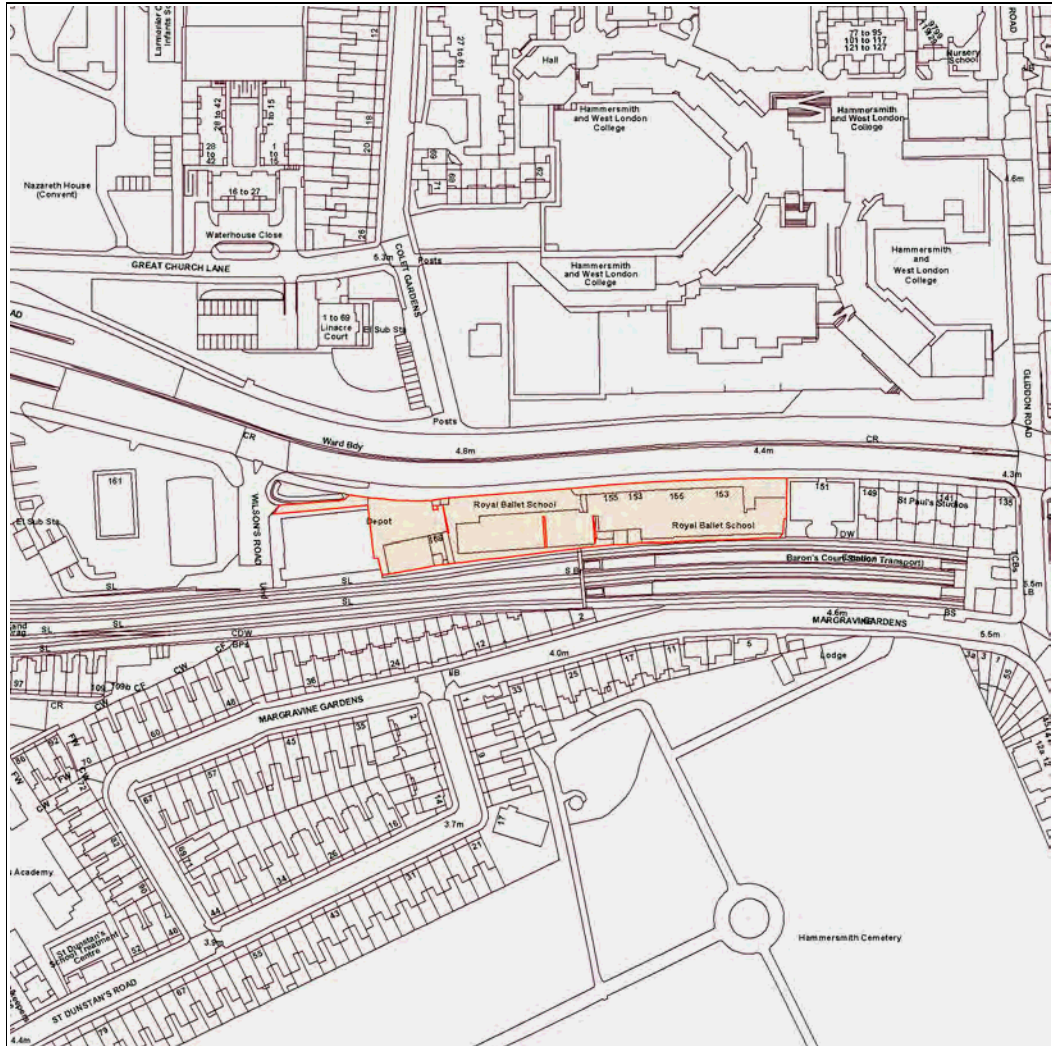
3.33 The site is within the Environment Agency Flood Risk zone 2, and a detailed Flood Risk Assessment has therefore been submitted in support of the application. Officers have considered the FRA and are satisfied that the proposed development is acceptable in flood risk terms, having regard to PPS25.

#### 4.0 RECOMMENDATION

4.1 Grant planning permission.

**Ward:** Fulham Reach

**Site Address:**  
155 - 169 Talgarth Road London



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

**Reg. No:**  
2008/03610/CAC

**Case Officer:**  
Dominique Chambers

**Date Valid:**  
21.11.2008

**Conservation Area:**  
Baron's Court Conservation Area - Number 27

**Committee Date:**  
13.05.2009

**Applicant:**

Mr Peter James  
155 Talgarth Road London W14 9DA UK

**Description:**

Demolition of existing buildings (157-169 Talgarth Road) in connection with the redevelopment of the site. (Relates to planning application reference 2008/03482/FUL).  
Drg Nos:

**Application Type:**

Conservation Area Consent

**Officer Recommendation:**

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

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

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

- 2) The demolition of the building hereby permitted shall not be undertaken before:
  - (i) a building contract for the redevelopment of the site in accordance with planning permission (reference 2008/03482/FUL) has been entered into;
  - (ii) notice of demolition in writing and a copy of the building contract has been submitted to the Council, and;
  - (iii) details of all matters which require prior approval pursuant to planning permission reference 2008/03482/FUL before the commencement of the development have been submitted to and approved in writing by the Council.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with policy EN2 of the Unitary Development Plan, as amended 2007.

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

To ensure that the site remains in a tidy condition during and after demolition works and to prevent harm to the street scene, in accordance with policy EN2 of the Unitary Development Plan, as amended 2007

**Justification for Approving the Application:**

- 1) It is considered that the proposed demolition of the classrooms and offices is acceptable as it is of little architectural merit, and the replacement building would not leave an unacceptable space within the streetscene and would enhance the character and appearance of the conservation area. In this respect the proposal complies with Policy EN2 of the Unitary Development Plan and Planning Policy Guidance 15.

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

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

Application form received: 20th October 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

See report Ref 2008/03482/FUL



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**Ward:** Munster

**Site Address:**

117 Munster Road London SW6 6DH



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

**Reg. No:**  
2009/00172/FUL

**Case Officer:**  
Raj Satheesan

**Date Valid:**  
12.02.2009

**Conservation Area:**  
Central Fulham Conservation Area - Number 29

**Committee Date:**  
13.05.2009

**Applicant:**

London Property Investments Ltd  
2 Wells Road Ilkley West Yorkshire LS29 9JD

**Description:**

Change of use of the basement and ground floor from retail (Class A1) to financial and professional services (Class A2).  
Drg Nos: DPP-02

**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 building development shall be carried out and completed only in accordance with the detailed drawings that have been approved, unless any material alterations to these approved details has first been submitted to and approved in writing by the Council.

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 EN2, EN8B and of the Unitary Development Plan as amended 2007.

- 3) The use hereby permitted shall not operate between the hours of 2100 and 0800 Monday to Saturday, and shall not operate on Sunday.

To ensure the amenities of surrounding occupiers are not unduly affected by noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.

- 4) Any refuse generated by the Class A2 use hereby approved shall be stored within the curtilage of the property and shall not be placed on the pavement or street, except on the allocated collection day.

In order to ensure a satisfactory provision for refuse storage and collection, in accordance with EN17 of the Unitary Development Plan, as amended 2007.

**Justification for Approving the Application:**

- 1) The proposed change of use would not result in a demonstrable shortage of Class A1 use accommodation in the locality. The proposal would have no adverse impact on on-street parking in surrounding streets, would not have a significant effect on the residential amenity of adjoining occupiers, and would be of an acceptable visual appearance. In this respect the proposal complies with Policies SH3A, TN15, EN2, EN8B and Standards S13, S18 and S20 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 27th January 2009  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application relates to the ground (and basement) shop in a 3 storey mid terrace property, located on the west side of Munster Road, between the junctions of Vera Road and Colehill Lane. Site is located in the Central Fulham Conservation Area and Environment Agency's Flood Zone 2 and 3. The premises have been vacant (last used as a flower shop in December 2005).

1.2 The other ground floor premises within the application frontage are occupied as follows:

115 - A5 takeaway

117 - A1 shop

119 - A1 shop

121 - A1 shop

123 - B1 office

125 - C3 residential

1.3 There is no planning history at this address.

1.4 This application seeks permission for the change of use of the ground floor and basement floors from retail (Class A1) to financial and professional services (Class A2) to be used as a solicitor's office.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by means of a press and site notice together with individual letters of notification to surrounding properties. No responses have been received.

## 3.0 PLANNING CONSIDERATIONS

### Land Use

3.1 The main planning issues in this case relate to whether the loss of the A1 (retail) use is acceptable in land use terms. The site is not located in a town centre and is situated outside the designated Key Local Shopping Centre or the Protected Parades or Clusters in Munster Road.

3.2 Policy SH3A, Part 2 is therefore relevant. It states that no more than 50% of the total length of the frontage of the parade or cluster shall be permitted to change to non-retail (non-A1) use but should also take into account any shopping provision in adjacent street blocks. The application site is located in a short street block that comprises 6 premises (115 - 125 Munster Road). Of the 6 units in the application frontage 3 (including the application site) are in A1 use. Therefore in terms of both numbers and measured frontages this equates to 50% of the total block. A change of use of the application site would reduce this quota to 33.3% and therefore, the proposal would infringe the quota criteria for the individual street block. However, officers consider that this block and the adjacent block of 4 premises (127 - 131a Munster Road) are no longer typical of a shopping frontage and now provide mainly service uses complementary to the retail function elsewhere in Munster Road. Therefore officers, are of the view that a change of this unit to a non retail use is unlikely to have a significant impact on the vitality of this frontage.

3.3 In Munster Road there is already a key local shopping centre and protected parades as well as other non-designated frontages that contain a stock of premises for shopping and other service uses. Furthermore there is a wide range of shops and services located nearby in Fulham Road and Fulham Palace Road which provides additional shopping provision for the area. The loss of a local shop has the potential to impact upon the quality of life of some less mobile shoppers. However, officers consider

that given the proximity of other retail accommodation as outlined above and the fact that the retail unit has been empty for a long time (over 3 years) the loss of a retail unit to a solicitor's office will not result in a demonstrable shortage of A1 class use accommodation within the locality and consequently, the principle of the change of use is considered acceptable in this instance.

#### Highways and Car parking

3.4 Policy TN13 (Transport Impact Assessment) is concerned with traffic generation. It is not considered that the development would generate additional traffic in comparison to a Class A1/shop use and the proposal is therefore considered to be in accordance with this policy.

3.5 Policy TN15 and Standard S18.1 are concerned with car parking standards. No off-street car parking has been provided. However, it is not considered that the proposal would result in an additional demand for car parking than the current use.

3.6 No cycle parking provision is made. The UDP standard would normally require two spaces for the scale and nature of the development. There is adequate space in the rear garden to accommodate 2 cycles for staff, which is considered acceptable in this instance.

#### Design and Conservation

3.7 No alterations to the external building are proposed and the premises would continue to provide step level wheelchair access in accordance with the Council's Access for all Supplementary Planning Document (SPD).

#### Protection of Existing Residential Amenities

3.8 Policy EN21 is concerned with environmental nuisance. The proposed use as solicitor's office is considered compatible with the surrounding area and would not generate activities that would have significantly greater impact than a retail use or to be harmful to amenities of the surrounding residents. However, there are residential occupiers above and it is considered appropriate to condition hours of use to minimise any potential for noise disturbance.

#### Refuse Storage

3.9 This standard requires that facilities be provided within all new conversions for the storage of refuse. Refuse & Recycling. The existing refuse storage area in the rear yard will be maintained and is considered acceptable.

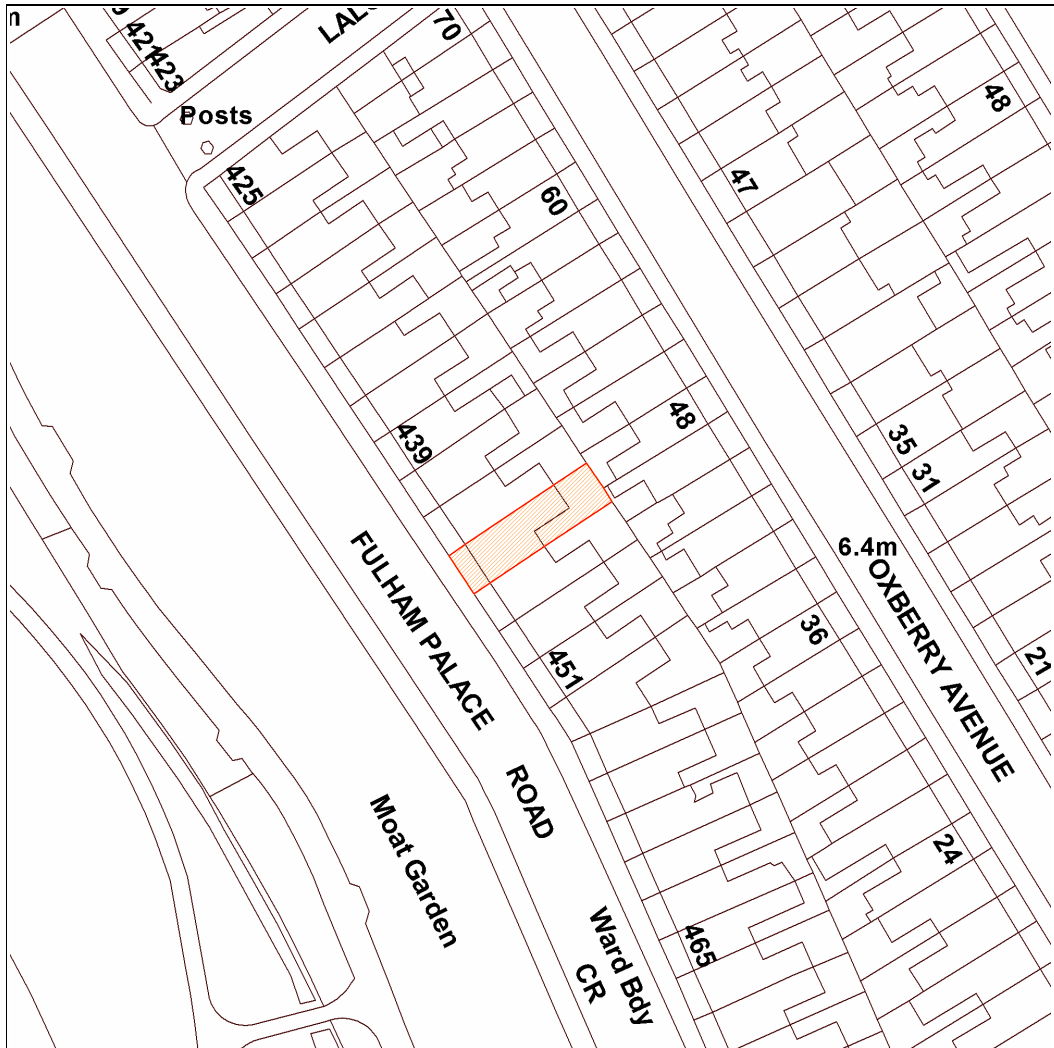
### 4.0 RECOMMENDATION

4.1 It is considered that the proposal is acceptable in land use terms and would not lead to significant additional traffic generation or on street car parking demand in the area. Accordingly it is recommended that planning permission be granted.

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**Ward:** Munster

**Site Address:**

445 Fulham Palace Road London SW6 6SU



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

**Reg. No:**  
2009/00274/FUL

**Case Officer:**  
Raj Satheesan

**Date Valid:**  
12.02.2009

**Conservation Area:**

**Committee Date:**  
13.05.2009

**Applicant:**

Ms Kelly Reading  
C/o Agent

**Description:**

Conversion of property to use as three self contained flats; erection of a rear extension at second floor level, on top of the existing back addition.

Drg Nos: 585-200C, 585-201C, 585-202C/A, 585-203C/B, 585-204A/B, 585-205A/B, 585-205A/B, 585-206A/B, 585-207A/B

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development hereby approved shall be carried out and completed only in accordance with the submitted drawings.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2B and EN8B of the Unitary Development Plan, as amended 2007.

- 3) No occupiers of the first and second floor level flats hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of 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 HO3 and TN15 and Standards S8.2 and S18.1 of the Unitary Development Plan, as amended 2007.

- 4) The first and second floor level flats hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Council 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 flats 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 first and second floor level flats 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 TN15 and Standards S8.2 and S18.1 of the Unitary Development Plan, as amended 2007.

- 5) The first and second floor flats hereby permitted shall not be occupied until the council has been notified in writing (and has acknowledged such notification) of the full postal address of the flats. 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 new first and second floor level flats 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 TN15 and standards S8.2 and S18.1 of the Unitary Development Plan, as amended 2007.

- 6) The rear extension at second floor level hereby approved shall be clad in black or grey slate/artificial slate.

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

- 7) The height of party wall of the rear extension at second floor level hereby approved with 443 Fulham Palace Road shall not exceed a height of the existing height of the existing party wall by more than 600 mm.

To ensure a satisfactory external appearance, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 8) Any alterations to the elevations of the existing building(s) shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2B and EN8B of the Unitary Development Plan.



- 9) No alterations shall be carried out to the remaining roof of the existing two-storey back addition, in connection with their conversion to use, all or in part, as a terrace or other amenity space. No railings, fences, walls or other means of enclosure shall be erected around the roof or the rear elevation of the rear extension hereby approved, to form access onto the roof.

Such a use would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to Policy EN21 and Standard 13.2 of the Unitary Development Plan as amended 2007.

- 10) The new window in the extension hereby approved shall be painted timber sliding sash design.

In order to ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policy EN8B of the Unitary Development Plan, as amended 2007.

- 11) The extension on top of the back addition at second floor level shall not be occupied until the new bottom pane of the bathroom window, hereby permitted, has been installed so as to be non-openable and 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.

To prevent overlooking and loss of privacy to residents of Oxberry Avenue, in accordance with standard S13.2 of the Unitary Development Plan, as amended 2007.

- 12) The development hereby permitted shall not commence until details of the refuse storage, including provision for storage of recyclable materials, have been submitted to and approved in writing by the Council. The development shall not be occupied or used until the refuse storage arrangements are in place in accordance with such approval. The refuse and recycling storage shall be permanently retained.

In order to ensure a satisfactory provision for refuse and recycling, in accordance with Policies EN2B and EN17 of the Unitary Development Plan, as amended 2007, and the Storage of Refuse and Recyclables (Nov 2007) Supplementary Planning Document

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

- 1) It is considered that the proposal would not contribute significantly to on-street parking in surrounding streets, would not result in the loss of a small residential unit, and the new units would be of an acceptable standard. It is not considered

that the proposal would have a significant effect on the existing amenities of neighbouring properties and the external works would be of an acceptable visual appearance. In this respect the proposal is considered to comply with Policies EN2B, EN8B, EN17, HO3 and TN15 and Standards S8, S12, S13, S18 and S20 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 11th February 2009  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

**Comments from:** **Dated:**

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
48 Oxberry Avenue London SW6 5SS	03.03.09
443 Fulham Palace Road London SW6 6SU	03.03.09
Ground Floor Flat 443 Fulham Palace Road London SW6 6SU	03.03.09
443 Fulham Palace Road London SW6 6SU	03.03.09
46 Oxberry Avenue London SW6 5SS	12.03.09

OFFICERS REPORT

1.0 BACKGROUND

1.1 The application relates to a three-storey mid terraced property, located on the east side of Fulham Palace Road opposite the Bishop's Park - The Warren. The property is currently arranged as a single family dwelling. The site is not located within a conservation area however, immediately opposite is the Bishops Park conservation area.

1.2 In 1983 permission was granted (but not implemented) for the erection of an additional floor at roof level and the erection of an extension to the back addition at second floor level. In 2007 permission was refused for an additional floor at roof level,

on visual amenity grounds. Also in 2007 a Certificate of Lawfulness was granted for the erection of a single storey extension, to the side and rear of the existing back addition. This has been implemented.

1.3 The current application is for the conversion of property to use as three self contained flats and erection of a rear extension at second floor level, on top of the existing back addition.

1.4 The application has been revised omitting the erection of railings around part of the main roof at third floor level in connection with its use as a terrace.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been publicised by means of a site notice and a press advert and individual notification letters have been sent to the occupiers of adjoining properties in Fulham Palace Road and Oxberry Avenue.

2.2 Five letters of objection have been received, the contents of which can be summarised as follows:

- Increase in noise and disturbance resulting from the three flats;
- Increase in parking pressure resulting from three flats;
- Loss of a single family house;
- Extension on top of the back addition would be out of keeping with other properties within the terrace;
- Extension on the back addition, in close proximity to neighbouring properties would be obtrusive;
- Extension on back addition would result in overshadowing of neighbouring rear gardens and windows;
- Roof terrace and three self contained flats would result in loss of privacy to neighbouring properties;
- Roof terrace would be visible from the front and rear of the property and would be out of keeping with other properties along Fulham Palace Road;
- Roof terrace resulting in increased security risk to neighbours at roof level;
- Would lead to increased on existing sewage system;

## 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations are:

- The acceptability of the conversion of the property into three flats; the quality of accommodation proposed and the parking pressure resulting from the conversion;
- Design and appearance of the extension at second floor level on the application property and surrounding area; and the impact of this on neighbouring residential amenity.

### Conversion

3.2 The proposal involves the conversion of this property from one house to three flats. Policy 3A.1 of the Mayor's London Plan states that 30,500 net additional homes should be delivered per annum in London. Of this, the London Borough of Hammersmith and Fulham has a target to deliver 450 net additional dwellings per annum. The proposed conversion from one to three units would contribute to this target.

3.3 Policy HO3 of the UDP, as amended 2007, relates to house conversions. This policy states that conversions of buildings into one or more dwellings would not be permitted where the net floor area of the original dwelling is less than 120sqm., where there would be inadequate on or off street parking available to meet the parking needs of the development and where the conversion provides only self-contained bedsits/1 person flats. In this case the original/unextended size of the property is approximately 178 sqm. and the proposal provides a good mix of two bedroom flats at ground and first floor level and a one bedroom flat at second floor level. Accordingly there are no objections in principle to the conversion of the application property into three separate residential units, subject to the units being of an acceptable size and layout, and subject to their likely impact on the existing amenities of the occupiers of neighbouring properties, particularly in terms of increased on-street car parking stress.

3.4 Standard S8.1B of the UDP, as amended 2007, states that converted flats with full containment should measure at least 32.5 sqm. On the basis of the submitted drawings, the internal floor area of the proposed residential units would be as follows; approximately 74.55 sqm. for the ground floor flat, 53.26 sqm. first floor flat and 49.96 sqm. second floor flat. Standard S8.1A requires that all rooms within the proposed units are adequate in size and layout. The proposed bedrooms in the first floor flat marginally infringe the minimum room sizes by 1 sqm and 0.5 sqm. However, overall the proposed floorspace of this flat is adequate in size with a sizeable combined living/dining and kitchen area and provides an acceptable layout and circulations space, good outlook and sunlight and daylight levels. Officers consider that the marginal infringement of the room sizes is therefore, considered acceptable on this occasion. The other two proposed flats provide adequate room sizes and layouts, in accordance with Standard S8.1A.

3.5 Standard S6.1 of the UDP, as amended 2007, normally requires that where a property is proposed for conversion and contains a rear garden or amenity space, it should be used by a family-sized unit with direct access to it from that dwelling unit. In this case the proposed ground floor two bedroom would have direct access to the rear garden, in accordance with this standard.

#### Car Parking

3.6 The application would result in a net increase of two residential units. No off street parking is provided as part of the development, and given the constraints on the site, no parking can be provided. Where the street is classified as a strategic route, London distributor, borough distributor or local access road Standard S8.2 states that "the Council will normally limit the extent to which a residential property can be converted to a level of one unit less than the number of floors on the property as it was originally built for residential occupation, and which would be in residential (C3) use following the conversion." In this case Fulham Palace Road is a London Distributor Road. There are 3 original residential floors, so the standards would allow two separate residential units without the requirement for off-street parking provision. The proposed development would result in three residential units, two more than are currently on the site, and one more than would normally be permitted by standard S8.2. This is considered to be acceptable, provided that the additional residential unit (i.e over and above the 2 that would be acceptable under standard S8.2) does not result in increased on-street car parking stress. The existing on street overnight parking stress in the area is however high, particularly in surrounding streets. As such, officers recommend that the two of the additional new units (first and second floor flats) be car permit free (dealt with by a condition) to overcome concerns of any increase in parking pressure in the vicinity. With

such a condition restricting future occupiers of these units from obtaining an on-street parking permit, the conversion is not considered to result in any additional parking stress. Subject to such conditions, it is considered that the proposal would comply with policy HO3, TN15 and relevant standards.

#### Cycle Parking

3.7 Standard S20.1 and Table 12.2 of the UDP requires one safe and secure cycle parking space to be provided for each unit. They should be secure, accessible and weatherproof and retained for the life of the development. No cycle parking is indicated on the drawings. However, on this occasion it is considered that there is adequate space within each of the new units for a cycle and therefore, the proposal is in general conformity with Standard S20.1 and Table 12.2 of the UDP.

#### Refuse

3.8 Policy EN17, as amended 2007, and the Council's Storage of Refuse and Recyclables SPD 2007 requires development to provide adequate waste and storage. No details of refuse storage are shown on the plans. It is considered that refuse and recycling storage could be stored in the front garden. A condition is therefore attached to ensure that these details are provided in accordance with policy EN17 and the Council' SPD.

### SECOND FLOOR EXTENSION

3.9 Policy EN8B of the UDP, as amended 2007, requires development to be of a high standard of design and to be compatible with the scale and character of the existing development, its neighbours and its setting. The policy further states that 'In most cases, these will be subservient to the original building' whilst the justification to the policy states that 'Extensions should never dominate the parent building'. The justification to the policy further states that 'Extensions should comprise no more than half of the width of the rear of the property and should not rise higher than one storey beneath the main eaves or parapet line'; and also that, 'Where a distinct rhythm of rear extensions exists, any new proposals should follow the existing scale and character'; and also that, 'Where a distinct rhythm of rear extensions exists, any new proposals should follow the existing scale and character'. Standards S12 and S13 of the UDP, as amended 2007, refer to residential amenity and are also relevant.

3.10 The current proposal would involve the erection of a rear extension at second floor level on top of part of the original back addition. The original two-storey back addition has a slate clad mono pitch roof, which is paired with 443 Fulham Palace Road. The proposed second floor rear extension would involve building over part of the existing mono pitched roof, to form a bathroom. The proposed extension would be formed off the main part of the house, project to a maximum depth of 3 metres and would be set back from the side and rear elevations of the existing back addition by approximately 250 mm and 2.5 metres respectively. That part of the pitched roof of the existing back addition not built on by the proposed extension would be retained in its current form. The proposed extension would incorporate a mansard form angled at 70 degrees to the side and rear and clad in slate. The party wall with 443 Fulham Palace Road would be raised by some 600 mm above the existing parapet wall. The proposed extension would incorporate a single window opening in the rear elevation (there would be no window openings in the side elevation of the extension, facing 447 Fulham Palace Road). The bottom pane of the window in the rear elevation of the extension would be glazed in obscure glass and fixed shut.

3.11 In this form the scale and design of the proposed extension is not considered to be out of keeping with the application property, and it is not considered that it would harm the existing character or appearance of the terrace. Paragraph 4.82 of policy EN8B states that extensions should never dominate the parent building, should comprise no more than half the width of the rear of the property and should not rise higher than one storey beneath the original main eaves or parapet line. The paragraph goes on to state that, where a distinct rhythm of rear extensions exists any new proposals should follow the existing scale and character. The proposed extension is relatively modest in scale, relative to the existing two-storey back addition, and would be viewed from the rear against the background of the existing vertical brick elevation of the main part of the house. Furthermore, planning permission has previously been granted and built for a similar extension at 449 Fulham Palace Road (1986). Planning permission has also been granted for a second floor rear extension at 443 (1985) and 459 Fulham Palace Road (1983) and in the immediate vicinity at 38 (1999), 48 (2003) and 58 Oxberry Avenue (2004) to the rear of the site. The proposed extension, which is set back from both the eaves and rear elevation of the existing back addition, is considered to be subservient in scale to the back addition and therefore, the extension is considered consistent with EN8B. Because of the location of the proposed extension to the rear of the property, it would not be visible from any public vantage points. It is acknowledged that there would be views of the development from private vantage points at the rear of the site, specifically from the rear of properties in Oxberry Avenue, but these are more than 13 metres away and the extension would be seen in context, against the existing vertical brick rear wall of the main house and other similar roof extensions in the application terrace. For these reasons the second floor rear extension is judged to be acceptable assessed against policy EN8B of the UDP, as amended 2007.

3.12 In terms of residential amenity, the proposal is not considered to have any significant impact on the existing amenities of the occupiers of 443 or 447 Fulham Palace Road. Similarly, it is not considered that the development would harm the existing amenities of the occupiers of the properties to the rear in Oxberry Avenue. In the case of 447 Fulham Palace Road the proposed extension would be some 2.5 m from the party boundary with that property (some 4 m from the nearest habitable room window). 447 Fulham Palace Road has no extension at ground floor level, to the side of the original back addition. However, given the existing restricted outlook/prospect afforded the windows looking out onto this area and the size of the proposed extension, it is not considered that the proposed development would worsen the existing situation to a degree that would justify refusing planning permission. There would be no windows in the side elevation of the second floor rear extension, facing 447 Fulham Palace Road. Accordingly, this element of the proposed development is judged to be acceptable in the context of standards S12 and S13 of the UDP, as amended 2007.

3.13 The proposed extension above the rear addition would not result in an infringement of an angle of 45 degrees to the rear boundary. Therefore the proposal is not considered to result in any loss of outlook or increased sense of enclosure and complies with Standards S12.1 and S13.1 of the UDP, as amended 2007. Similarly the proposed extension would allow an unobstructed angle of 45 degrees to the window on the ground floor of the rear addition on the adjoining property at 447 Fulham Palace Road. In terms of window to window separation, the nearest window on Oxberry Avenue would be approximately 13m away and therefore the proposal does not comply with this standard. However, if this application were considered acceptable in all other

respects a condition would be attached to the grant of permission requiring that the bottom panes of the bathroom window to be installed so as to be obscure glazed and fixed shut. With such a condition the new window would not result in any harmful overlooking to adjoining residents.

Flood Risk:

3.14 The applicants have submitted a flood risk assessment in support of their proposals, and the Environment Agency have confirmed that they do not object to the proposals in this case. It is not considered that the development would have an adverse effect on watercourse, flood plain or its flood defences, or that it would impede access to flood defence and management facilities, or have a significant effect on local flood storage capacity (see PPS25, Annex D, D16).

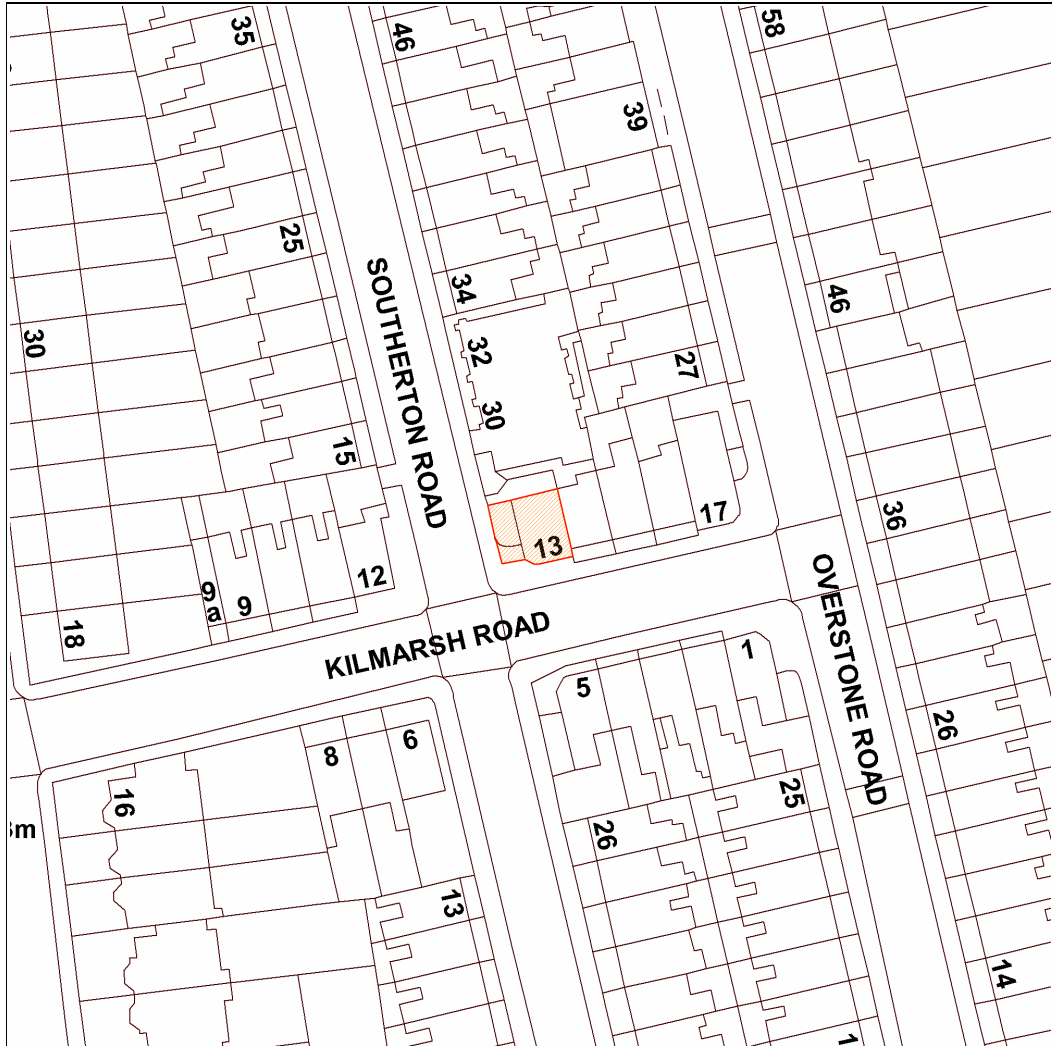
#### 4.0 RECOMMENDATION

4.1 Grant planning permission.

**Ward:** Hammersmith Broadway

**Site Address:**

13 Kilmarsh Road London W6 0PL



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

**Reg. No:**  
2008/03601/FUL

**Case Officer:**  
Paul Clapham

**Date Valid:**  
23.12.2008

**Conservation Area:**

**Committee Date:**  
13.05.2009



**Applicant:**

Mr John Shinton  
38 Kent Avenue London W13 8BH

**Description:**

Erection of a building over two levels (ground and basement) to provide a self-contained 1 bedroom maisonette with two front sky lights, following demolition of the existing attached garage.

Drg Nos: 13K/008 rev B; 13K/009 rev A;

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The proposed development is considered unacceptable on residential amenity grounds. More particularly, the internal arrangements of the proposed maisonette together with the physical constraints of the site would combine to provide a residential unit which would be afforded an unacceptable level of amenity to prospective occupiers, in terms of substandard level of outlook from the principle habitable accommodation at basement level. In this respect the development is considered to be contrary to Planning Policy Statement 1.
- 2) The development is considered unacceptable on visual amenity grounds. More particularly, the excavation of the front garden, together with the installation of the sky lights at ground level to the front of the property would introduce incongruous visual elements which would detract from the character and appearance of the existing property and the street scene. In this respect, the development is considered contrary to Policy EN8B of the Unitary Development Plan as amended 2007.
- 3) The proposed development is considered unacceptable on residential amenity grounds. More particularly, the proposed refuse area located outside a residential window would be unneighbourly, resulting in odours to occupiers of the existing flatted property, contrary to Policies EN21 and EN8 of the Unitary Development Plan, as amended 2007.
- 4) The proposed development would result in the formation of an additional residential unit without making provision for any off-street car parking. As a result the proposal is likely to generate an additional demand for on-street overnight car parking on local streets to the detriment of adjoining residential occupiers. In the absence of an acceptable scheme no alternative arrangements can be secured. In this respect the development is contrary to Policy TN15 and Standard S18 of the Unitary Development Plan, as amended 2007.

- 5) The proposal would fail to provide secure cycle parking provision to serve the development in the interest of sustainability, contrary to the requirements of Policy TN6, Standard S20.1 and Table 12.2 of the Unitary Development Plan, as amended 2007.

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

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

Application form received: 3rd December 2008  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	23.02.09

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
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OFFICER'S REPORT

1.0 BACKGROUND

1.1 The site is located at the junction of Kilmarsh Road with Southerton Road at its northeastern end. The property is an end-of-terrace building, containing a basement level below three storeys, plus a roof extension and has been converted into three flats. Kilmarsh Road is characterised by short residential terraces running east to west, connecting the longer streets of Southerton Road, Overstone Road and Iffley Road. The building is constructed of London Stock Brick and a single storey garage extension exists to the side of the property. The site is not located within a conservation area, though the boundary to the Bradmore Conservation Area lies c.37 metres to the west of the site. The property is located within the Environment Agency's Flood Risk Zones 2 and 3.

1.2 There are a number of relevant planning records pertaining to the property. An application was submitted in 1994 for the conversion of the property from a mixed commercial/residential use a two bedroom maisonette at basement and ground floor levels and two self contained one bedroom flats on the first and second floors. This application (ref: 1994/00984/FUL) was approved.

1.3 In 1998 an application was submitted for the creation of a dwelling by the erection of a two storey side extension on top of the existing garage and conversion of the garage to form part of that dwelling as well as the excavation of a front light well. This application (ref: 1998/01990/FUL) was refused planning consent as it was considered to create unacceptable harm to residential amenities, have a discordant appearance within the streetscene, not provide any amenity space and result in a loss of off-street car parking.

1.4 In 2005 an application was submitted which proposed the demolition of the garage and excavation to the side of the main building to allow the erection of a two storey side extension to be used in conjunction with the lower ground and ground floor flat. This application (ref: 2005/00161/FUL) was refused as it was considered to be inappropriate in terms of visual amenity and more particularly, the upward extension and overall design, bulk and scale of the extension would have resulted in a visually harmful feature which would have appeared out of character in relation to the original building and its setting. The proposal was also refused as it would have resulted in the loss of off-street car parking.

1.5 A resubmission application was made. The proposal was similar to the 2005 refusal, although the overall height of the extension was reduced to the height of the existing cornice. To compensate for the floorspace lost in the reduction of height a lower ground floor was proposed. This application (ref: 2006/00063/FUL) was approved as it was considered that the proposal would not have a significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance.

1.6 In 2006 planning permission was granted (ref: 2006/00063/FUL) for the demolition of the existing garage and excavation to the side of the main building to allow the erection of a two storey side extension, to be used in connection with the lower ground and ground floor maisonette.

1.7 In 2007 a further application (ref: 2007/00055/FUL) was submitted seeking permission for the demolition of the existing garage and erection of a two storey building to be used as a one bedroom self contained flat. This was similar in both height and scale as the extension submitted under ref: 2005/00161/FUL. This application was refused on the grounds that the dwelling would have been a sub standard unit of accommodation given the internal space provisions, the proposal would not have provided the required amenity space for the new dwelling and the new dwelling was considered to be inappropriate in terms of its bulk, design and materials.

1.8 In 2007 (ref: 2007/01900/FUL) a planning application for an extension to an existing flat in the main property with a similar bulk to the proposal submitted under ref: 2007/00055/FUL was refused on the grounds that the size and bulk would form an incongruous feature in the streetscene to the detriment of the area.

1.9 The current planning application is for the erection of a single storey side extension over a new basement to provide a self-contained 1 bedroom maisonette. The application would have a similar footprint, height and bulk to the extension approved in 2006 (ref: 2006/00063/FUL). However this application also includes an excavation under the frontage area of the property to provide more living space at basement level. The existing on-site car park and driveway is proposed to be removed and sky lights would be installed in the front of the property.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been publicised by means of a statutory site notice and press advert. In addition, individual notification letters have been sent to the occupiers of neighbouring properties. No letters of representation or objection have been received.

2.2 The application was referred to the Environment Agency. They have raised no objections to the application provided that there is no sleeping accommodation located at basement level.

## 3.0 PLANNING CONSIDERATIONS

3.1 The issues in this case are whether the proposed development is acceptable in the context of policies and standards of the UDP with particular regard to the standard of accommodation for future occupiers, the proposal's impact on visual amenity including the nearby conservation area and its impact upon the amenities of the occupiers of existing neighbouring residential properties and car parking matters.

3.2 Policy EN8B of the Unitary Development Plan (UDP) requires a high standard of design in all new development, and that it should be compatible with the scale and character of the existing development, its neighbours and its setting.

3.3 The ground floor extension would be of a contemporary design constructed in traditional brickwork and bonding. The scale and height of the extension is considered acceptable and as it would be below the existing cornice, the extension would be subordinate to the parent property. The mass, form and design of the extension are also considered acceptable. The use of London Stock would match the existing brickwork and anchor the extension to the main building with the fenestration to the side emulating the proportions and size of the fenestration treatment of the parent property.

3.4 Whilst the appearance of the ground floor element of the structure is considered acceptable, officers have concerns in relation to the appearance of the proposed front garden space. The proposal to excavate under the front garden would result in the ground level being raised by approximately 400mm. Hard landscaping is proposed with two large sky lights providing light to the underground living space. This built form would be noticeable, particularly at night, from public vantage points. As the site is on a corner plot in a relatively prominent position and there are no other examples of this type of development in the street or other properties in the immediate vicinity, it is considered the development would appear incongruous to the application property and the wider area. Furthermore the front garden walls in the street are typically low, approximately 1m in height. Therefore, any proposal to screen the front garden with a high front wall would be considered inappropriate and out of context in light of the boundary treatments of the surrounding properties.

3.5 For the above reasons it is considered that the proposal, in particular the development in the front garden, would have a detrimental impact on the appearance of the application property and the streetscene, contrary to the aims of Policy EN8B.

3.6 It is considered that the site is of a sufficient distance from the conservation area to the property's west such that the development would have limited impact on the character and appearance of that area and views into it/out of it, in accordance with Policy EN2B.

3.7 The floor area of the proposed dwelling would be approximately 41 square metres. Most of the proposed rooms would exceed the internal space requirements prescribed in S8.1A except for the bedroom. Although the bedroom would be approximately 2 square metres less than the specified amount in the standard, the room is large enough for a double bed and built in cupboards. Furthermore, generous amounts of living space would be provided in the remainder of the apartment. The property would have a window facing to the south, thereby meeting the requirements of standard S13.3 of the UDP in respect of aspect. The layout is therefore considered acceptable in this instance.

3.8 In terms of measuring whether there would be sufficient daylight and sunlight reaching the property, particularly the basement area, officers have regard to the guidance set out in the Building Research Establishments (BRE) Report 1991 'Site layout planning for daylight and sunlight-A guide to good practice'. Officers note that there would be two large sky lights at the front of the property which would provide light to the kitchen and living areas. The applicant has not submitted a daylight report that demonstrates that the arrangements proposed (and including details of the type of glazing it is intended to use) would be sufficient to allow enough light to enter the area. However, officers have carried out their own analysis and conclude that the standard of occupation would be satisfactory in respect to light, provided clear glazing is provided in the sky lights.

3.9 Officers have concerns in respect to the lack of outlook from the proposed dwelling. Whilst there are no UDP policies that specifically require provision of outlook for prospective occupants in new dwellings, paragraph 37 of Planning Policy Statement 1 states that to achieve a high quality and inclusive design, planning authorities should have regard to good practice set out in 'By Design - better places to live'. This document refers to the importance of new dwellings having adequate views or outlook.

3.10 There would be a bedroom located at ground floor level with a large window to the front garden. However, the principle living area would be located underground with views outward from this area limited to a small opening to the adjoining lightwell and a sky lights at the front of the property. The applicant contends that there would be a large amount of natural light gained to this property and that the bedroom at ground floor level would have views outward, such that the lack of outlook to the basement area would not be noticeable. However officers consider it important that the principle living area should have at least some direct view outwards to avoid future occupants from experiencing a permanent sense of enclosure. In view of the above it is considered that the proposed self-contained unit would provide a sub-standard level of accommodation and the proposal is therefore considered to be unacceptable, and contrary to Planning Policy Statement 1.

3.11 Every new non-family dwelling with accommodation at ground level should have at least one area of private open amenity/garden space of an area not less than 14 square metres, in accordance with standard S5A.2.

3.12 The proposal would provide a small ground floor area at the front of the site which would be approximately 13m<sup>2</sup>. Its location is not ideal, as there could be public views over the area, given its proximity to the highway. Whilst the area is slightly below the size amount prescribed above, officers acknowledge that the site is constrained and it is considered that that this would be not be a totally unacceptable arrangement in a built up urban area, in this instance.

3.13 Policy TN15 and Standard S18 relate to the provision of car parking and would normally require 1 off-street car parking space to be provided for this new dwelling. At present there is one standard car parking space within the garage. Whilst the proposal would lose this on-site car space, subject to the crossover outside the site being reinstated an on-street car space would result, so there would be no adverse impact on parking conditions in the locality. Officers consider that this would be an acceptable arrangement.

3.14 In certain circumstances the level of on-street parking stress resulting from additional units of accommodation is likely to increase to unacceptable levels with a consequential adverse impact on the amenities of residential neighbours. No on-site parking would be provided to serve this development. The UDP allows exceptions to be made where future occupiers of a development may be prevented from obtaining on street car parking permits. The site lies in an area of high overnight parking stress but also high public transport accessibility (PTAL 5) with very good access to the goods and services of Hammersmith Town Centre. The proposal would thereby be considered acceptable on parking grounds subject to the applicant entering into a 'car free' development. However, in the absence of an acceptable scheme no alternative parking arrangements can be secured. In this respect the development is contrary to Policy TN15 and Standard S18.

3.15 Though it is acknowledged that there should be sufficient space within the property to accommodate the parking of a cycle space, no proposal has been made. The scheme would thereby fail to provide secure cycle parking provision to serve the development in the interest of sustainability, contrary to the requirements of Policy TN6, Standard S20.1 and Table 12.2 of the UDP.

3.16 The closest opposing windows to the proposed dwelling are within the residential properties on the other side of the highway on both Kilmarsh and Southerton Roads. Given the position of the proposed extension in relation to the adjoining properties there would be no harmful loss of light, outlook or privacy from these buildings.

3.17 It is proposed to locate refuse storage for the additional unit created beside an existing residential window, which appears to serve a living room. This is not considered to be an acceptable location, as it would result in odours to occupiers of the existing neighbouring flat. The proposed development is thereby considered unacceptable on residential amenity grounds, contrary to Policies EN21 and EN8 of the UDP.

3.18 The property is located within the Environment Agency Flood Zone 2 and 3, which requires a Flood Risk Assessment to be carried out for minor development. The assessment provided states that the floor level has would be above the one in 200 year

flood event and that flood proofing of the development has been incorporated where appropriate. This was referred to the Environment Agency who raised no objection to the proposal provided that the development was carried out in accordance with the approved plans. This assessment is considered to be acceptable in accordance with PPS25 'Development and Flood Risk'.

3.19 In accordance with D16 of PPS25 (Annex D) the proposal would not raise significant flood risk issues, as it does not have an adverse effect on a watercourse, floodplain or its flood defences, does not impede access to flood defence and management facilities or add to the cumulative impact of such developments on local flood storage capacity or flood flows.

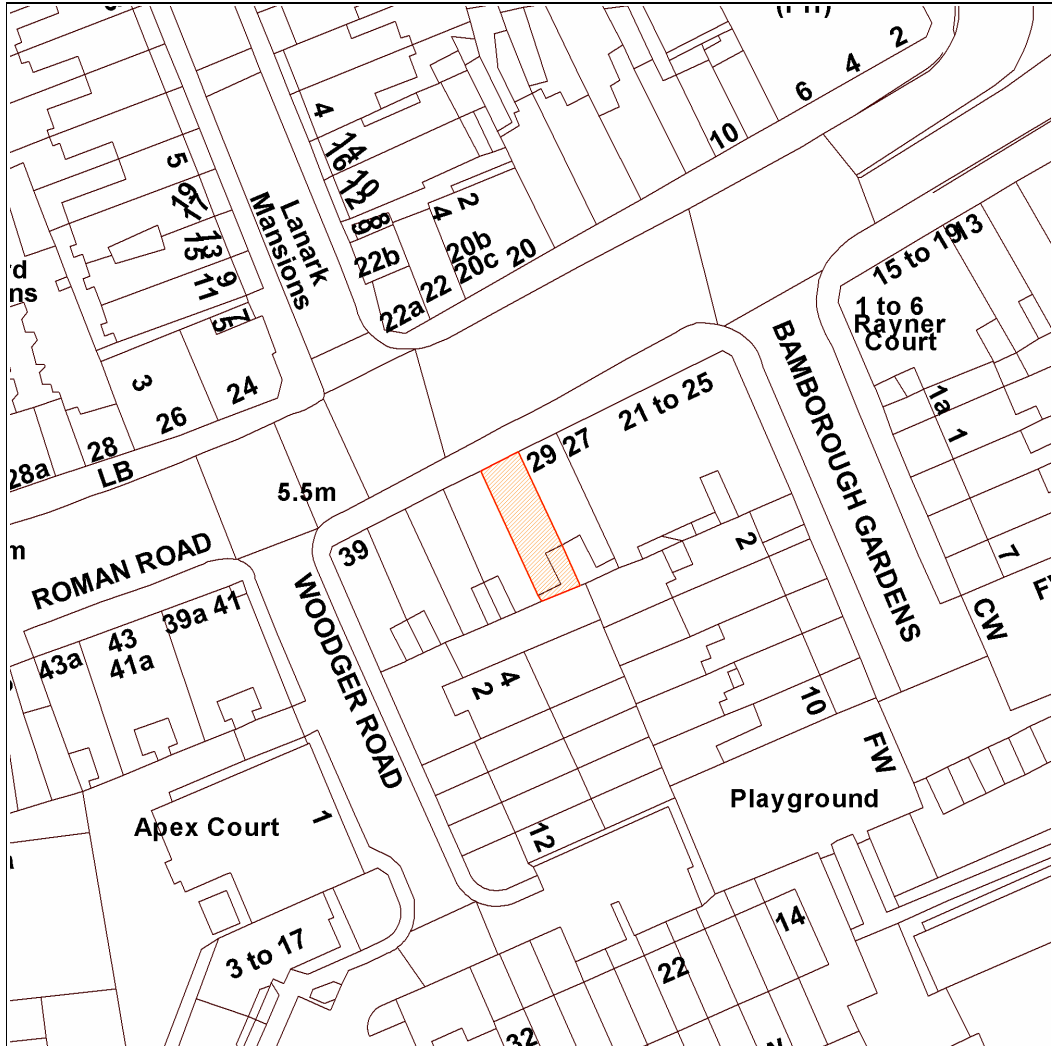
#### 4.0 CONCLUSION and RECOMMENDATION

4.1 The application would, in officers' view, result in an incongruous form of development in the front of the property which would have a detrimental visual impact on the area and its character. In addition the proposal would not provide acceptable outlook from the principle living area thereby constituting an unacceptable standard of accommodation. Satisfactory car parking and cycle parking arrangements have not been made. The proposal would result in an unacceptable impact on the amenities of occupants of the existing flat, given the intended refuse storage arrangements. The application is therefore recommended for refusal.

**Ward:** Shepherd's Bush Green

**Site Address:**

31 Goldhawk Road London W12 8QQ



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

**Reg. No:**  
2008/03275/FUL

**Case Officer:**  
Denuka Gunaratne

**Date Valid:**  
20.01.2009

**Conservation Area:**  
Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
13.05.2009



**Applicant:**

Mr M. Yeshitla  
196 North End Road London W14 9WX

**Description:**

Change of use from a shop (Class A1) to a restaurant at ground floor and basement level (Class A3); installation of an extraction duct to the rear elevation and installation of a new shopfront.

Drg Nos: 1410/1b

**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 carried out otherwise than in accordance with the detailed drawings which have been approved unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

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 EN2, EN8D, EN21 and SH11 of the Unitary Development Plan, amended 2007.

- 3) 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 in accordance with Policy SH11 of the Unitary Development Plan, amended 2007.

- 4) No customers shall be on the premises in connection with the use hereby permitted other than between the hours of 1100 and 2300 Sundays to Thursdays and between 1100 and 2400 on Fridays and Saturdays.

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

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from mechanical installations/ equipment and their uses, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

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

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

- 7) Neither music nor amplified voices emitted from the development hereby approved shall be audible at any residential/noise sensitive premises.

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

- 8) The use hereby approved shall not commence until details of the installation, operation, and maintenance the odour abatement equipment and extract system

have been submitted to and approved in writing by the Council, including the height of the extract duct, 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 commencement of the use and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Council.

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

- 9) The permitted use shall not commence until the floors, ceiling and walls separating the commercial part(s) of the premises from neighbouring dwellings have been made resistant to the passage of smoke, fumes and odours. The sound insulation separating the commercial and residential units should be sufficiently enhanced to prevent noise disturbance and to achieve the standard specified in BS 8233: 1999. This arrangement shall be retained permanently thereafter.

To safeguard the amenities of the occupiers of neighbouring residential dwellings, in accordance with Policy EN21 of the Unitary Development Plan, amended 2007.

- 10) Notwithstanding the provisions of the hereby permitted drawings the permitted use shall not commence until the extract ducting from the approved cooking facilities has been installed so as to discharge vertically upward at a point not less than 1 metre above the eaves of the main building.

To safeguard the amenities of the future occupiers of the residential dwellings on the upper floors, in accordance with Policies EN21 and EN20A of the Unitary Development Plan, amended 2007.

- 11) The permitted use 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.

In order that the use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN21 and SH11 of the Unitary Development Plan, amended 2007.

- 12) The permitted use shall not commence until details of refuse/recycling storage facilities have been submitted to and approved by the council. The approved refuse/recycling storage enclosures shall be installed prior to the commencement of the use and then permanently retained for this purpose.

In order to ensure that satisfactory provision is made for refuse/recycling storage and to ensure that the development does not give rise to smell nuisance and

clutter arising from the operation of the use, in accordance with Policies EN21 and SH11 of the Unitary Development Plan, amended 2007.

- 13) The use hereby approved shall not commence until details of provision for two secure cycle parking spaces have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the premises and permanently retained thereafter.

In order to promote alternative, sustainable forms of transport, in accordance with standard S20.1 of the Unitary Development Plan, amended 2007.

- 14) No chairs or tables shall be set out in the forecourt area to the front of the building.

To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area and to ensure adequate space is retained for pedestrians along this busy footpath, in compliance with Policies TN5, EN21 and SH11 of the Unitary Development Plan, amended 2007

- 15) The entrance door shall not be less than 800mm wide and the threshold shall be at the same level as the pavement fronting the entrance at Goldhawk Road.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policy 3A.14 of The London Plan amended 2008 and the LDF Supplementary Planning Document 'Access for All' Adopted March 2006.

- 16) Notwithstanding the provisions of the hereby permitted drawings any changes to the external appearance of the building, including the installation of a shop front, air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawing, must first be submitted and approved in writing by the Council prior to their installation.

To ensure a satisfactory external appearance and prevent harm to the street scene and to avoid any disturbance detrimental to the enjoyment of neighbouring occupiers of their properties, in accordance with Policies EN2, EN8D, EN21 and SH11 of the Unitary Development Plan, amended 2007.

- 17) The shopfront hereby permitted shall be constructed in black powder coated aluminium.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2 and EN8D of the Unitary Development Plan, amended 2007.

- 18) The extract duct hereby approved shall be painted grey.

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

- 19) Notwithstanding the provisions of the hereby approved drawings, the proposed ground floor accessible toilet shall be 2.2 metres long internally to conform to BS 8300:2001.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policy 3A.14 of The London Plan amended 2008 and the LDF Supplementary Planning Document 'Access for All' Adopted March 2006.

- 20) The development hereby permitted shall not be commenced until such time as:

1. Flood-proofing measures up to the modelled flood level have been carried out
2. A Flood Event Management Plan have been submitted to, and approved in writing by, the council.

These shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the council.

To reduce the impact of flooding on the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants to ensure the development is designed safely in reference to flood risk, in accordance with PPS25.

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

- 1) It is considered that the proposal is acceptable, as it would not result in unacceptable loss of shopping accommodation in the area, would not harm the amenities of adjoining occupiers, and would have an acceptable visual appearance and would not harm the character and appearance of the conservation area. In addition the proposal would not result in unacceptable local highway, parking conditions or flood risk. In this respect the proposal complies with PPS25; Policies EN2, EN8, EN20B, EN21, SH11, TC3 and Standards S17, S18, S20.1 and S24 of the Unitary Development Plan, as amended 2007; LDF Supplementary Planning Document 'Access for All'; and Policy 3A.14 of The London Plan, as amended 2008.

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

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

Application form received: 23rd October 2008

Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	13.02.09
Thames Water - Development Control	11.02.09

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
Camilla Broadbent 41 Goldhawk Road London W12 8QP	14.04.09

1.0 BACKGROUND

1.1 The subject site comprises a four storey mid-terrace property on the southern side of Goldhawk Road falling within Shepherd's Bush Conservation Area. The ground floor is in shop use and the basement is associated storage, whilst there is residential above as in the rest of the terrace. The site is located within Shepherd's Bush Town Centre. The property is located within Flood Risk Zones 2 and 3.

1.2 Applications for a certificate of lawfulness (existing) for the use of the ground floor and basement as Class A3 (restaurant/cafe) use were refused in January and April 2002 as there was insufficient evidence to substantiate the claims.

1.3 Planning permission was granted in August 2008 by the Planning Applications Committee for the change of use of the ground floor from a shop (Class A1) to a hot food takeaway (Class A5) and installation of an extraction duct to the rear elevation. The basement level was to be used for ancillary storage and staff offices. This approval has not been implemented.

1.4 The current planning application the subject of this report is for the change of use from a shop (Class A1) to a restaurant at ground floor and basement level (Class A3); installation of an extraction duct to the rear elevation and installation of a new shop

front. The use relates to both the ground and basement floors. The existing ground floor has a floor area of 57.4 m<sup>2</sup> and the basement is 122.6 m<sup>2</sup>. Currently the basement is used for ancillary storage and staff offices in relation to the ground floor shop unit. The layout of the proposed restaurant indicates a restaurant seating area on the ground floor with disabled WC, and server and kitchen area. The basement would have a restaurant seating area, bar, male and female WCs, and a rear yard.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by means of a statutory site and press notice. Individual letters of notification were also sent to adjoining occupiers.

2.2 A letter of objection has been received from Greenside Residents Action Group. The letter has a petition attached which has been signed by 24 signatories, from owners/occupiers of Pennard Road. The grounds of objection are as follows:

- The premises have historically being used as a retail shop. Over the last two years the property has been trading as a sandwich bar, which has been less than desirable.
- There is an excess of food service (and licensed) premises in Shepherds Bush and Goldhawk Road in particular, which exceed planning guidelines.
- Residents have long campaigned to control the growth of food service and alcohol related economy in and around Shepherds Bush. Alcohol use and anti-social behaviour is a major problem. No further planning consents should be granted to premises that would then be entitled to operate as food service premises.
- The proposal would result in an increase in smells and emissions, adding to food service air pollution and food refuse and litter.
- The town centre needs to provide a broad range of retail establishments, in order for the town centre to maintain its position.
- Already there is excessive parking stress in the area, the proposal would add to this.
- The premises are outside a bus stop and a busy bus route and could adversely affect road safety.
- Additional cars attracted by an evening food venue would add to noise and disturbance to the locality.

2.3 Officers' response is that in respect of alcohol use and anti-social behaviour raised in the objection letter these would appear to be existing problems which are primarily a matter for the Metropolitan Police. There is no evidence that this proposal would result in such problems. The Metropolitan Police Crime Prevention & Design Officer has reported that he has considered the proposal and that no objection is raised. All other planning matters shall be discussed below.

2.3 The Environment Agency have reported stating that they have no objection to the proposal, subject to conditions requiring flood-proofing measures up to the modelled flood level and details of a flood event management plan to be submitted to, and approved in writing by the council.

2.4 Thames Water have reported that they have no objection to the proposal, subject to an informative on the requirement for the operator of the premises to obtain a Trade Effluent Consent.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main issues arising from this proposal are the principle of the development in land use terms, the effect on the amenities of neighbouring occupiers, especially residential occupiers, in terms of noise and other disturbance and the effect on the local highway conditions and on-street parking in the light of relevant UDP policies and standards.

3.2 This proposal is for the change of use from a shop (Class A1) to a restaurant at ground floor and basement level (Class A3); installation of an extraction duct to the rear elevation and installation of a new shopfront. The proposal site is located in Shepherd's Bush Town Centre. The main policy issue with regards to this proposal is the change of use from Class A1 (retail) to class A3 (restaurant) in a non-prime retail frontage. To assess this application UDP Policy TC3 is relevant. Under the terms of Policy TC3 a change of use from class A1 to class A3 would not be considered acceptable where more than 50% of the length of any one street block would be occupied by uses other than those within class A1, or more than 33% of the frontage of an individual street block would be in class A3 (which now also includes classes A4 and A5 i.e. drinking establishments and hot food take-away) use. The justification to this policy in the UDP acknowledges that the non-prime retail frontages in the town centres have an important function, in that they provide locations for businesses that 'cannot afford prime retail location rents but sell goods appropriate to the town centre, services in the A2 and A3 use classes, and health services'.

3.3 Officers need to be satisfied that there is an appropriate proportion of shop uses (A1) on this street block and that there is not an over- concentration of non-A1 uses. The existing statistic for the individual street block is 68% in A1 (shop) use. The proposal would change the proportion to 58%, the proportion of the frontage within A3 (including A4 and A5) uses would be 31%. Therefore, Policy TC3 is satisfied.

3.4 Policy SH11 of the UDP is concerned with the impact of the proposal on the amenity of neighbouring properties and Policy EN21 requires that there is no environmental nuisance as a result of the development. Goldhawk Road is a London Distributor Road, and is designated in the UDP as a London Bus Priority Route. It is a busy and well-used route with day and night bus services and also carries a substantial flow of other vehicles. In addition, there is also a significant level of pedestrian and other activity associated with the town centre location of the site. In such locations Policy SH11 of the UDP and the restaurant guidelines would normally allow A3 uses to stay open until midnight. This restriction of hours of operation seeks to ensure that any noise and disturbance is confined to those periods of the day when the ambient noise level and general activity are similar. The applicant has requested the proposed hours to be 11.00 to 23.00 Sunday to Thursday, and 11.00 to 24.00 on Fridays and Saturdays. Officers consider the proposed hours of operation to be acceptable with this town centre site. A planning condition is recommended to ensure this (condition 4).

3.5 The nearest residential premises are situated on the upper floors of the premises. A condition is recommended in respect of ensuring that the floors, ceiling and walls separating the use from neighbouring dwellings are made resistant to the passage of smoke, fumes and odours and that sound insulation is installed (condition 9). To the rear (south) the premises adjoins a commercial service area, beyond which exists the rear gardens of residential premises at 2 and 4 Woodger Road. The residential buildings in Bamborough Gardens are situated to the south east of the site to the rear.



However, the nearest potentially affected residential property outside of the Goldhawk Road terrace is at 2 Bamborough Gardens, which in any event does not share any garden boundary with the application premises. In officers' view the proposal, subject to appropriate restrictive conditions in respect of minimising noise, disturbance and smells is unlikely to result in an unacceptable impact on nearby occupiers, including the objectors in Bamborough Gardens and neighbours above the premises and at Woodger Road.

3.6 Officers consider that the relatively high background noise levels outside the application site would reduce the likelihood that customers arriving and leaving the premises would cause disturbance to local residents. Planning conditions are also proposed to ensure that the entrances to the restaurant are self closing, and that no music nor amplified voices emitted from the development would be audible at any noise sensitive premises (conditions 11 and 7 ).

3.7 The proposed ventilation extract duct would measure 400mm x 400mm and would extend externally from the ground floor kitchen to 500mm above the roof level. Officers are generally satisfied with the proposed extract ducting arrangements, but consider that the duct should extend to at least 1m above roof level. A planning condition is to be attached as regards to this (condition 10). Furthermore, a planning condition is recommended to ensure that the specific noise level of the new plant would not to exceed background noise level (measured at least 10 dBA, as assessed under BS4142: 1997 at the nearest noise sensitive premises) at any time (condition 5). The position of the duct would not result in any loss of light or outlook to any residential window. A planning condition would require vibration isolation to prevent vibrational transmission of noise (condition 6). Officers consider that adequately conditioned the proposal would comply with policy EN21.

3.8 There are no objections to the proposed extract duct on visual amenity grounds. The extract duct would not be visible from the street, in particular at the building's frontage elevation at Goldhawk Road. In relation to the new shopfront there are no design objections to the new shopfront as the existing shopfront is a modern shopfront and the replacement proposed is almost identical.

3.9 The character and appearance of the conservation area would be preserved. The proposal would therefore comply with the requirements of policies EN2 and EN8, which seek to ensure that development is appropriately designed and in keeping with its setting.

3.10 In relation to traffic and highways issues it is noted that Goldhawk Road is a London Distributor Road and forms part of the London Bus Initiative. Standard S18 of the UDP is concerned with the number of car parking spaces required for developments, however in relation to Food and Drink uses S18.1 states that each development application will be treated on its own merits.

3.11 There are no allocated car parking spaces in relation to this proposal. The site lies within Shepherds Bush Town Centre with excellent transport accessibilities. There are only limited options for parking in the area as there is a CPZ in place as well as the bus lane along Goldhawk Road. Potential patrons of the premises can 'pay and display' in surrounding streets or park on a single yellow line or bus lane, outside its operation.

3.12 The site is located in close proximity to the underground station (PTAL 6) and Shepherd's Bush Green is served by a number of bus services (31-40 buses per hour). It is therefore considered that due to the location of the site, and the good public transport, the proposal is unlikely to cause conditions detrimental to traffic conditions or road safety as people would use public transport.

3.13 Officers also consider that it is likely that food and drink uses in this part of Goldhawk Road are mainly used by people coming to shop in the nearby market and shops or by people who work and use other services in the area and their potential use of the restaurant service at this premise should not adversely contribute to the traffic generation in the area. Servicing would be from Goldhawk Road as existing, and would have to comply with the loading restrictions on the highway at the site. A condition is recommended to ensure that no organised deliveries of food would take place from the premises and to prevent outdoor tables and chairs on the forecourt (conditions 3 and 14).

3.14 Officers also recommend that a minimum of two safe and secure cycle parking bays are provided for the use of the staff. A planning condition is recommended on this matter (condition 13).

3.15 The plans do not show a specific refuse/recycling store; however, the property has a rear yard area of sufficient size for this purpose. A planning condition will require details of facilities for the storage of refuse and collection of recyclables to be submitted and approved in line with EN17 of the UDP (condition 12).

3.16 The premises would have level access and the new front door would have a width of 900mm. This would comply with guidance in the adopted 2006 'Access For All' SPD and the proposal would comply with Policy G3(e) of the UDP which gives a commitment for making the environment safer and more accessible for all people.

3.17 Officers do not consider the loss of the basement storage area to compromise the proper operation of the restaurant. There is currently a staircase at the rear of ground floor that gives access to the basement. It is proposed to close off this staircase and convert it into a storage area, which the applicant has stated will be sufficient for their operational requirements.

3.18 In relation to Flood Risk Issues, the Environment Agency have not raised objections subject to the imposition of a planning condition requiring flood-proofing measures to be carried up to the modelled flood level; and a flood event management plan, to be submitted to, and approved in writing by, the council (condition 20).

#### 4.0 CONCLUSION and RECOMMENDATION

4.1 It is considered that the proposal is acceptable, as it would not result in unacceptable loss of shopping accommodation in the area, would not harm the amenities of adjoining occupiers, and would have an acceptable visual appearance and would not harm the character and appearance of the conservation area. In addition, the proposal would not result in unacceptable local highway, parking conditions or flood risk.

4.2 For the reasons stated above the application is considered to be acceptable and it is therefore recommended that planning permission be granted, subject to conditions.