

Planning and Development Control Committee

Agenda

Tuesday 8 December 2020

6.30 pm

Online - Virtual Meeting

MEMBERSHIP

Administration:	Opposition
Councillor Rachel Leighton (Chair) Councillor Rebecca Harvey (Vice-Chair) Councillor Colin Aherne Councillor Wesley Harcourt Councillor Natalia Perez Councillor Asif Siddique	Councillor Alex Karmel Councillor Matt Thorley

CONTACT OFFICER: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

THIS MEETING WILL BE HELD REMOTELY

It will be streamed via YouTube on: <https://youtu.be/iTeRfqTFRaI>

For details on how to register to speak at the meeting, please see overleaf.

Deadline to register to speak is 4pm on Thursday 3 December 2020

For queries concerning a specific application, please contact the relevant case Officer.

Date Issued: 30/11/20

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE (PROTOCOL)

Registering to speak

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the virtual meeting.

You must be registered to speak before addressing the committee. To register please send – your name, address, phone number, the application you wish to speak on, whether you are speaking for or against, and whether you are the applicant or an agent – to: speakingatplanning@lbhf.gov.uk by **4pm on Thursday 3 December 2020**.

Speaking at remote meetings

Remote meetings will take place through Microsoft Teams. Teams is available on a wide range of devices and is free to use. You can download Teams [on Microsoft's website](#). After you register to speak at a remote meeting, a member of the Governance team will be in touch with guidance on joining and participating in remote meetings.

To ensure that your comments are still considered if you lose connection to the remote meeting please submit your intended remarks (either in full or a summary) to speakingatplanning@lbhf.gov.uk at least one day before the meeting. Your written comments will be circulated to the committee prior to the meeting.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Vice-Chair will say when the speaking time is almost finished to allow time to round up.

The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

Watching remote meetings

If you would like to watch a remote Planning meeting without participating you can do so on the Council's YouTube channel. All of our remote meetings are streamed live and recorded so you can watch them later.

You can find links to the YouTube livestream for each meeting on the relevant meeting page or you can go to directly to [the Council's YouTube channel](#). Just search 'H&F Council' or 'LBHF Council' to find us. The livestream will appear on the channel a few days before the meeting.

YouTube is available on a wide range of browsers and devices including phones, tablets, laptops, desktop computers, games consoles and smart TVs.

You can find information on how to watch YouTube on your TV, and other devices, [on their help pages](#).

Planning and Development Control Committee Agenda

8 December 2020

Item

Pages

1. APOLOGIES FOR ABSENCE

2. ROLL-CALL AND DECLARATION OF INTERESTS

At the start of the meeting the Chair will carry out a roll-call of committee members to confirm attendance. Members will also have an opportunity to declare any interests.

If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the 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 disclosable pecuniary interest or other significant 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.

Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.

Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.

3. MINUTES

5 - 9

To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 3rd November 2020.

4. **18 - 25 LIONEL MANSIONS HAARLEM ROAD, LONDON W14 0JH,
ADDISON, 2020/02223/TPO** 10 - 17
5. **MELVILLE COURT, GOLDHAWK ROAD, LONDON W12 9NY,
ASKEW, 2019/01767/FUL** 18 - 48
6. **M&S WHITE CITY SITE, 54 WOOD LANE, LONDON W12 7RQ,
COLLEGE PARK AND OLD OAK, 2020/02905/VAPO** 49 - 62

**London Borough of Hammersmith & Fulham
Planning and Development Control Committee
Minutes**



Tuesday 3 November 2020

APOLOGIES FOR ABSENCE

There were no apologies for absence.

ROLL CALL AND DECLARATION OF INTERESTS

PRESENT: Councillors Colin Aherne, Wesley Harcourt, Alex Karmel, Rachel Leighton (Chair), Natalia Perez, Asif Siddique, Matt Thorley and Matt Uberoi.

Cllr Alex Karmel declared a pecuniary interest in respect of Item 4 – 4-5 Sotheron Place , as one of the companies he worked for had done some work on the project. Cllr Karmel stated that while neither he nor anyone on his team was involved he considered that this was a pecuniary interest. He left the meeting for the duration of the application and did not vote on the item.

MINUTES OF THE MEETING HELD ON 13 OCTOBER 2020.

The minutes of the meeting held on 13 October 2020 were agreed.

DECISION TO CHANGE THE ORDER OF THE AGENDA

In view of the number of speakers for Hazel House, Sulgrave Road, the Chair proposed that the running order of the agenda be changed to: Hazel House, followed by 4-5 Sotheron Place and finally Kings Mall Car Park. This was agreed by the Committee.

HAZEL HOUSE SULGRAVE ROAD LONDON W6 7QF, ADDISON – 2020/02012/FUL

Please see the Addendum attached to the minutes which amended the report.

The Committee heard a representation on behalf of three residents in objection to the application.

The Committee heard a representation from the Agent in support of the application.

The Committee heard representations from Andrew Slaughter MP and Councillor Sue Fennimore, Ward Councillor, both in objection to the application.

During the course of discussions, Cllr Alex Karmel proposed that should the application be approved, that the following to conditions be added:

1. That development not take place until Flats One and Two agree to heat pumps on their land; and
2. That to prevent properties from being used for Air B&B's, that officers apply the standards conditions as used by Kensington and Chelsea and Westminster London Boroughs. This was seconded by Cllr Matt Thorley.

The Committee voted on the two proposed conditions as follows:

For:
8
Against:
0
Not Voting:
0

The Committee voted on report Recommendation 1 as follows:

For:
0
Against:
8
Not Voting:
0

The Committee voted on reasons for refusal as follows:

For:
8
Against:
0
Not Voting:
0

RESOLVED THAT:

Planning Application 2020/02012/FUL be refused for the following reasons:

The poor quality of the accommodation. The impact on the conservation area. Inadequate refuse storage and bike storage under the stairs in view of fire safety concerns. And that the proposal would result in an unneighbourly form of development increasing the transmission of noise between dwellings.

ITEM 4 – 4 - 5 SOTHERON PLACE LONDON SW6 2EJ, PARSONS GREEN AND WALHAM - 2020/01499/FUL

Please see the Addendum attached to the minutes which amended the report.

Cllr Alex Karmel declared a pecuniary interest in respect of Item 4 – 4-5 Sotheron Place , as one of the companies he worked for had done some work on the project. Cllr Karmel stated that while neither he nor anyone on his team was involved he considered that this was a pecuniary interest. He left the meeting for the duration of the application and did not vote on the item.

The Committee heard a representation from the Applicant in support of the application.

Cllr Harcourt proposed an amendment to Condition 4 to include a requirement for liaison with neighbours in the connection with the Demolition and Construction Logistics Plans. This was seconded by Cllr Uberoi. The Committee voted on this amendment as follows:

Proposed Amendment:

For:

7

Against:

0

Not Voting:

1

The Committee voted on the recommendations for application 2020/01499/FUL as follows:

Officer Recommendation 1

For:

7

Against:

0

Not Voting:

1

Officer Recommendation 2

For:

7

Against:

0

Not Voting:

1

RESOLVED THAT:

Planning Application 2020/01499/FUL be approved, subject to:

1. That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
2. To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

KINGS MALL CAR PARK, GLENTHORNE ROAD, LONDON, W6 0LJ, HAMMERSMITH BROADWAY -2020/02637/VAPO

Please see the Addendum attached to the minutes which amended the report.

The Committee voted on the recommendations for application 2020/02637/VAPO as follows:

Officer Recommendation 1

For:

8

Against:

0

Not Voting:

0

Officer Recommendation 2

For:

8

Against:

0

Not Voting:

0

RESOLVED THAT:

Planning Application 2020/02637/VAPO be approved, subject to:

1. That the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement.
2. That the Chief Planning Officer, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement and any such changes shall be within their discretion.

Meeting started: 6:30 pm
8:43 pm

Chair

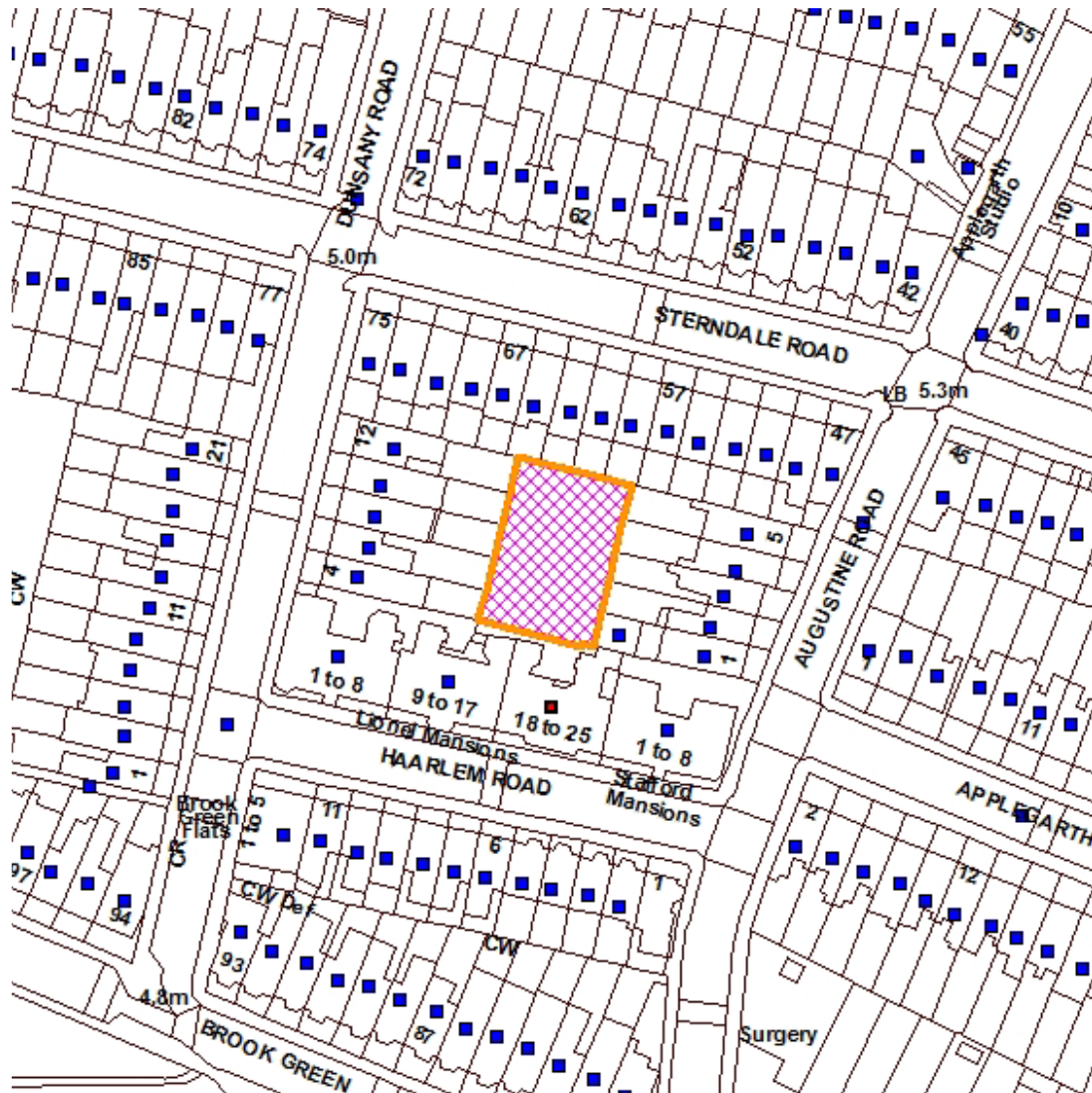
Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Agenda Item 4

Ward: Addison

Site Address:

18 - 25 Lionel Mansions Haarlem Road London W14 0JH



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For identification purposes only - do not scale.

Reg. No:
2020/02223/TPO

Case Officer:
Zhirong Li

Date Valid:
01.09.2020

Conservation Area:
Constraint Name: Brook Green Conservation Area
- Number 3
Constraint Name:
Lakeside/Sinclair/Blythe Road Conservation Area -
Number 36

Committee Date:
08.12.2020

Applicant:

Ryan

18 Lionel Mansions, Haarlem Road London W14 0JH

Description:

Pruning of 6 no. London Plane trees (T1 - T6) in the rear garden subject to Tree Preservation Order TPO/50/12/73, with a crown reduction to most recent pruning points removing all new re-growth.

Drg Nos: Sketch Plan

Application Type:

Tree Preservation Order Works

Officer Recommendation:

1) That the Committee resolve that the Chief Planning Officer be authorised to grant consent for the tree works subject to the conditions listed below; and

2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

1) The works to the 6 no. London Plane Trees (T1 - T6) hereby approved shall only comprise the following, and must be carried out in accordance with British Standard BS3998:2010 - Recommendations for Tree Work:

- The crown reductions are to be no further back than to the most recent previous pruning points or by a maximum of 30% of crown volume, whichever is the least.

- No pruning cuts are to be made which are greater than 100mm diameter.

To prevent unnecessary loss or mutilation to the tree, in accordance with Policy OS5 of the Local Plan (2018).

2) No less than five working days' notice shall be given to the Council's Arboricultural Officer before any work commences on trees (Telephone 020 8748 3020).

In order that the Council has the opportunity to ensure that the work is carried out in accordance with Condition 1, in accordance with Policy OS5 of the Local Plan (2018).

Justification for Approving the Application:

1) The principle of the proposed tree works: The proposed pruning would preserve the health of the London Plane trees (T1 - T6) and its contribution to the visual amenity of the surrounding Brook Green Conservation Area. In this respect, the proposal would be in accordance with Policies DC1, DC8 and OS5 of the Local Plan (2018).

- 2) Residential amenity: The proposal would not cause any detrimental harm to the amenities of any neighbouring properties in terms of loss of light, outlook and privacy. The proposed works would be of an improvement of the current situation and therefore, the proposal complies with Policy HO11 of the Local Plan (2018).

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

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

Application form received: 28th August 2020

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

67 Sterndale Road London W14 0HU	21.10.20
67 Sterndale Road London W14 0HU	30.10.20
10 Dunsany Road London W14 0JP	27.10.20
69 Sterndale Road London W14 0HU	27.10.20
8 Dunsany Road London W14 0JP	30.10.20
71 Sterndale Road London W14 0HU	29.10.20
5 Augustine Road London W14 0HZ	29.10.20
69 Sterndale Road London W14 0HU	26.10.20
57 Sterndale Road London W14 0HU	26.10.20
3 Augustine Road London W14 0HZ	28.10.20
10 Dunsany Road London W14 0JP	27.10.20
61 Sterndale Road London W14 0HU	27.10.20
63 Sterndale Road London W14 0HU	27.10.20
59 Sterndale Road London W14 0HU	27.10.20
65 Sterndale Road London W14 0HU	28.10.20
63 Sterndale Road London W14 0HU	28.10.20
65 Sterndale Road London W14 0HU	28.10.20
1 Augustine Road London W14 0HZ	29.10.20
8 Dunsany Road London W14 0JP	29.10.20
10 Dunsany Road London W14 0JP	29.10.20
2 Augustine Road London W14 0HZ	29.10.20
67 Sterndale Road London W14 0HU	29.10.20
75 Sterndale Road London W14 0HU	29.10.20
75 Sterndale Road London W14 0HU	29.10.20

75 Sterndale Road London W14 0HU	29.10.20
12 Dunsany Road London W14 0JP	29.10.20
4 Dunsany Road London W14 0JP	31.10.20
4 Dunsany Road London W14 0JP	31.10.20
67 Sterndale Road London W14 0HU	31.10.20
1 Augustine Road London W14 0HZ	31.10.20
10 Dunsany Road London W14 0JP	27.10.20
59 Sterndale Road London W14 0HU	27.10.20
8 Dunsany Road London W14 0JP	30.10.20

1.0 BACKGROUND

- 1.1 The application specifically relates to the communal garden to the rear of 18-25 Lionel Mansions, Haarlem Road. Lionel Mansions is a four-storey mansion block, situated to the northern side of Haarlem Road.
- 1.2 The application site lies within the Brook Green Conservation Area and Lionel Mansions is designated as a Building of Merit.
- 1.3 The trees that are the subject to this application are 6no. London Plane trees, situated within the Lionel Mansions garden, to the rear of Lionel Mansions. Specifically, these trees are sited within the boundaries of the private garden and back onto the rear gardens of the properties located on Dunsany Road, Sterndale Road and Augustine Road. These trees are subject to Tree Preservation Order TPO/50/12/75.

2.0 RELEVANT PLANNING HISTORY

2018/00529/TPO - Pruning of 6no London Plane Trees (T1-T6) subject to Tree Preservation Order TPO/50/12/73. Approved.

2015/04986/TPO - Pruning of a Plane Tree subject to Tree Preservation Order TPO/50/12/73 (T5) by removing the lower branches. Approved.

2015/03325/TPO - Pruning of a Plane Tree subject to Tree Preservation Order TPO/50/12/73 (T5) by removing the lower branches. Refused.

2014/05076/TPO - Pruning of 5 no. London Plane trees (T1 - T5) in the rear garden subject to Tree Preservation Order TPO/50/12/73, with a 30% crown reduction. Approved.

2013/03535/TPO - Pruning of a London Plane tree (T1) subject to Tree Preservation Order TPO/50/12/73 by the repollard to previous points. Approved.

2011/03410/TPO - Pruning of 4 No. of London Plane Trees, subject to Tree Preservation Order TPO/50/12/73, by reducing the crown by 30%. Approved.

2011/01632/TPO - Pruning of London Plane tree in the rear garden, subject to Tree Preservation Order TPO 50/12/73 (T1), by up to 30% (crown reduction). Approved.

2011/01580/TPO - Pruning and crown reduction (30% max) of a London Plane tree subject to Tree Preservation Order TPO/50/12/73 (T1). Approved.

2007/02557/TPO - Pruning and crown reduction to previous point of 6 London Plane Trees T1 to T6 subject to Tree Preservation Order TPO/50/12/73. Approved.

2004/01462/TPO - Pruning of 6 No. London Plane trees by 30% (T1,T2,T3,T4,T5,T6,) in the rear communal garden subject to Tree Preservation Order T-50-12-73. Withdrawn.

2004/00842/TPO - Fell to ground 1 No. London Plane tree (T1) subject to Tree Preservation Order No. T-50-12-73; Pruning (50% reduction) of the 6 No. London Plane Trees (T1,T2,T3,T4,T5,T6,) in the communal garden subject to Tree Preservation Order T-50-12-73. Refused.

2004/00420/TPO - Felling of London Plane tree in the rear garden, subject to Tree Preservation Order TPO 50/12/73 T5. Refused.

2003/00945/TPO - Pruning of 6 no. London Plane trees in the gardens of Lionel Mansions (T1, T2, T3, T4, T5, T6) subject to TPO T50/12/73 comprising crown reduction by 40%, back to previous pruning points (Amended Proposal). Approved.

2000/00522/TREE - Remove Laburnum & Apple (trees 8 & 9). Cut back Holly from building and lightly trim Arbutus (trees 10 & 7). Approved.

2000/00489/TPO - Pruning of six London Plane trees subject to Tree Preservation Orders T50/12/73 (T1-T6). Approved.

1997/02756/TPO - Pruning of six London Plane trees (T1), (T2), (T3), (T4), (T5) and (T6) in the communal garden to rear of Block 18-25 subject to Tree Preservation Order T50/12/73. Approved.

1994/00180/TPO - Pruning of a Plane tree (T2) subject to tree preservation order (T50/12/73). Approved.

1984/01677/TPO - Pruning of six Plane trees (50% crown thinning) subject to a Tree Preservation Order. Approved.

1976/00264/HIST - The light pruning, crowning and thinning of trees T1, T2,T3,T4,T5 and T6.

3.0 THE PROPOSAL

3.1 The current application seeks to undertake the following tree works:

- Pruning of 6 no. London Plane trees (T1 - T6) in the rear garden subject to Tree Preservation Order TPO/50/12/73, with a crown reduction to most recent pruning points removing all new re-growth.

4.0 PUBLICITY AND CONSULTATION RESPONSES

4.1 Given the nature of the application (trees within their own site), public consultation is not normally required for this type of application.

4.2 Notwithstanding this, thirty-one (31) letters of objection have been received along with a petition, signed by thirty (30) individuals. In summary, the residents at Dunsany Road, Augustine and Road and Sterndale Road would prefer the 6no. London Plane trees to be double pollarded as an on-going management strategy, instead of the proposed crown reduction.

4.3 The concerns raised can be summarised as following:

- The canopy over the years has not been maintained by the 30% crown reduction;
- The canopy is now taller than the rooftops of the Sterndale homes;
- The trees growth extends over private gardens;
- Residents are worried about the stability of these trees and concerned that large branches or the whole trees would crush their houses or another person;
- Given these trees proximity to the surrounding houses and garden boundary walls, the extend of the increased canopy poses a danger to these houses. The dangers imposed by the 'increased area of sail' of the plane tree canopies in this private and enclosed space is subject to concentrated wind forces becoming more extreme, justification for double pollarding and reducing this danger.
- Tree roots are causing damage to houses and garden walls near the boundary. Houses on Sterndale Road have required engineering and underpinning to stabilise the structures due to tree root damage with increased water uptake and ground movement with continued tree growth;
- The leaf canopy is so extensive that it casts large shadows, causing reduction in light and inhibiting growth of flower beds and grass. Natural light in residential spaces has become more important as we adapt to new working routines in response to Covid-19.
- The hairs on the leaves of plane trees trigger allergic reactions;
- The full pollarding would minimise the problems.
- Please note that some of the representations also raised concerns in regard to the Fig tree (T10) and Cherry Plum (T7) that are sited within the communal garden. These do not form part of this application. However, crown reduction pruning works to the Fig and Cherry Plum and the reduction and felling of two other trees (all four of which are not covered by a TPO) have recently been the subject of a separate Six Week S211 Notice of tree work in a conservation area, 2020/02263/TREE, which the council did not object to within the six weeks so can now be legally carried out.

4.4 One (1) letter of support has been received in support of the trees to be pruned as proposed.

- If the tree were double pollarded, it would affect the privacy of those who use the garden, the garden would then be overlooked by the houses of Dunsany Road, Augustine and Road and Sterndale Road; It would have an impact on the enjoyment of the Residents of Lionel Mansions, and it would adversely affect the amenity of the garden; Plane trees from part of the history of Brook Green and have been in this area for over 100 years. This is also an irreversible decision once made.

5.0 PLANNING CONSIDERATIONS

- 5.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF, 2019), The London Plan (2016) and the Council's Local Development Framework, comprising the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018). The following policies of these documents are considered to be of particular relevant to this application:

National Planning Policy Framework (2019)

- Conserving and enhancing the natural environment

The London Plan (2016)

- Policy 7.21 Trees and woodlands

The Local Plan (2018)

- Policy DC1 Built Environment
- Policy DC8 Heritage and Conservation
- Policy OS5 Greening the Borough
- Policy PO11 Detailed Residential Standards

THE PRINCIPLE OF THE PROPOSED TREE WORKS

- 5.2 Policy OS5 of the Local Plan (2018) states that the Council will seek to enhance biodiversity and green infrastructure in the borough by seeking to prevent removal or mutilation of protected trees. The loss of trees will nearly always result in a deterioration of the ecological value and environmental character of an area and will not be acceptable without good cause, particularly if subject to a Tree Preservation Order. Pruning or reducing, using best practice, should be investigated as an alternative to other trees works.
- 5.3 Policy DC8 of the Local Plan (2018) states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets.
- 5.4 The application proposes to prune 6no. London Plane Tree (T1-T6), this includes crown reduction of all trees to the most recent pruning points by removing all new re-growth as part of a 2-3-year cyclical pruning. Planning history records indicate that there have been similar applications submitted and approved in 1997, 2000, 2003, 2004, 2007, 2014 and 2018, which all have been proposed to 'reduce the crown by maximum of 30%' or 'to the previous points'. There have also been some interim applications to reduce or prune individual trees. The proposed tree works under the current application are considered to be routine maintenance and would mitigate against the mutilation of the protected trees. The proposal would preserve the health and visual amenity of these trees and would not cause harm to the character of Brook Green Conservation Area in line with Policies OS5 and DC8 of the Local Plan. Officers raised no objections to the proposed tree works.
- 5.5 The council's Arboricultural Officer has been consulted and they raised no objection to the proposed tree works, subject to the condition that the proposed pruning is in accordance with BS3998:2010. Comments also specify that the

crown reductions are to be no further back than to the most recent previous pruning points or by a maximum of 30% of crown volume, whichever is the least. No pruning cuts are to be made which are greater than 100mm diameter.

RESIDENTIAL AMENITY

- 5.6 Policy HO11 of the Local Plan (2018) states that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, in terms privacy, outlook and enclosure.
- 5.7 Officers acknowledge that a number of representations are concerned with the growth of these trees, particularly their size, the canopy and the roots. Due to their location close to the boundary of the communal garden, the trees have overhung into the private gardens of the properties at Dunsany Road, Augustine and Road and Sterndale Road, thus, raising concerns of the stability of the trees, tree roots damaging the boundary walls, overshadowing, lack of lights, leaves fall into the gardens and allergic reactions.
- 5.8 The current application would reduce the size of the trees and their canopies. The proposed work would remove some of the branches that are of concern, would reduce shading, leaf fall and to introduce light into the rear garden of these properties. This would be considered as an improvement of the current situation in terms of its impact to these private gardens and complies with Policy HO11.
- 5.9 Comments received have suggested that the management strategy be changed to one of heavy pruning as a solution to minimise the issues raised. Officers would like to highlight that the trees subject to this application are TPO trees located within the communal garden to Lionel Mansions which is a private land that the council do not have powers to enforce upon. The current application has to be considered on its merits, and any proposals to prune the trees to a greater extent would need to be considered under a separation application.

6.0 RECOMMENDATION

6.1 Officers consider that the proposed tree works would preserve the health of the 6no. London Plane trees and preserve the visual amenity of the surrounding Ravenscourt and Starch Green Conservation Area. The proposal would enhance the amenity of the surrounding occupants. It is recommended that:

1) That the Committee resolve that the Chief Planning Officer be authorised to grant consent for the tree works subject to the conditions listed below; and

2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Agenda Item 5

Ward: Askew

Site Address:

Melville Court Goldhawk Road London W12 9NY



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For identification purposes only - do not scale.

Reg. No:
2019/01767/FUL

Case Officer:
Sian Brown

Date Valid:
01.07.2019

Conservation Area:

Committee Date:
08.12.2020

Applicant:

Mr Nasser Alanizy
223 Sussex Gardens London W2 2RL

Description:

Erection of an additional floor at roof level in connection with the creation of 2 x 2 bedroom and 1 x 3 bedroom self-contained flats; extension of existing lift shaft, including installation of new fire rated lift, and installation of a new window at 6th floor level to the western elevation; erection of balustrades to eastern and western elevations at 6th floor level and erection of replacement chimney stacks.

Drg Nos: 182 - 098 Rev A; 182 - 100 Rev B; 182 - 101 Rev B; 182 - 102; 182 - 131; 182 - 132 Rev A; 182 - 141 Rev B; 182 - 142 Rev A; 182 - 144 Rev B; 182 - 499; 182 - 500; 182 - 501 (All received 4th November 2019)

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below.

That the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

- 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 drawings hereby approved,

182 - 098 Rev A; 182 - 100 Rev B; 182 - 101 Rev B; 182 - 102; 182 - 131; 182 - 132 Rev A; 182 - 141 Rev B; 182 - 142 Rev A; 182 - 144 Rev B; 182 - 499; 182 - 500; 182 - 501 (all received 4th November 2019)

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy DC1 and DC4 of the Local Plan (2018).

- 3) Any alterations to the elevations of the existing building, including works of making good, 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 DC1

and DC4 DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby permitted, a detailed Construction Logistics Plan in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to, and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway in accordance with Policies T1, T2, T6, T7 of the Local Plan (2018).

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

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan 2016, Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 6) Prior to commencement of the development hereby approved, details of the temporary lift shall be submitted to and approved in writing by the Council. The temporary lift hereby approved is permitted for a limited period only, being erected for the duration of the works to the existing lift. Following this, the temporary lift and any related structures shall be removed from the site, and the site shall be made good and restored to its original condition.

To ensure that the proposal provides an inclusive and accessible environment for the existing residential occupiers, in accordance with Policy DC4 of the Local Plan (2018) and The London Plan (2016) Policy 7.2.

- 7) The development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of the front and rear facade of the additional floor, the canopy, and balustrades are submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter

permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 8) Prior to the commencement of the development hereby permitted, details of all new external materials to be used in the development including fenestration, glazing, cladding, balustrades and roofing materials shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 9) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to and approved in writing by the council. The PV panel installation must be implemented and carried out in accordance with the approved details, and it shall be thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 10) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the Cathnor Road elevation of the extension hereby approved.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, CC11 and H011 of the Local Plan (2018).

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

To ensure a satisfactory external appearance and so that the use of the building does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policies H011, CC11 and DC4 of the Hammersmith and Fulham Local Plan (2018) and SPD Policy HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 13) Unless otherwise agreed in writing with the Council, 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/extension(s) hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 15) All dwellings/development hereby approved shall be capable of meeting the Buildings Regulations requirements for M4(2) accessible and adaptable dwellings, and M4(3) for wheelchair users, and shall thereafter permanently retained.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of The London Plan (2016) and Policy HO6 of the Hammersmith and Fulham Local Plan 2018.

- 16) The adapted lift core within the development hereby approved shall include a fire rated lift, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of the building. The lift shall have enhanced lift repair service running 365 day/24 hour cover to ensure that no occupiers (including wheelchair users) are trapped if the lift breaks down. The fire rated lift shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy DC4 of the Local Plan (2018) and The London Plan (2016) Policy 7.2.

- 17) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing no. 182 - 098 Rev A. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

- 18) No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the details provided on drawing no. 182 - 098 Rev A. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

To ensure satisfactory provision for the bicycle and thereby promote sustainable and active modes of transport, in accordance with Policy 6.9 of the London Plan (2016) and Policy T3 of the Local Plan (2018).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Local Plan Policies CC1 and CC13 (2018).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Local Plan Policies CC1 and CC13 (2018).

- 21) Prior to commencement of the development hereby permitted, the feasibility of including Sustainable Drainage Systems (SuDS) will be assessed and reported in writing to the Council for approval along with details of any SuDS measures to be integrated. Information shall include details on the design, location and attenuation capabilities of the proposed measures which could include measures such as green roofs, permeable surfaces and water butts. The measures shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be permanently retained and maintained in accordance with the approved details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016), and Policy CC4 of the Local Plan (2018).

- 22) The development hereby permitted shall not commence until details of installing water efficient appliances to help minimise water use and foulwater flows in the new units have been submitted to and approved in writing by the council. The approved measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To reduce the impact of flooding to the proposed development and future occupants, and to ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC3 and CC4 Local Plan (2018) Policies CC3 and CC4.

- 23) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for C3 use class for receptor locations where the air quality objectives for NO₂ and World Health Organisation (WHO) targets for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:
- a) Details and locations of the ventilation intake locations at rear roof level
 - b) Details of sealed windows (except for emergency purge ventilation) for all habitable rooms (Bedrooms, Living rooms) with front elevations on Goldhawk Road and Cathnor Road
 - c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces
 - d) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 24) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 23 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 25) Prior to occupation of the development hereby permitted, details of the installation of the Zero Emission Air/Ground/Water Source Heat Pumps, or Electric Boilers, for the supply of space heating and hot water for each new residential unit shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 26) The development hereby permitted 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 Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy 7.3 of the London Plan 2016, and Policy DC1 of the Local Plan (2018).

- 27) The residential units hereby approved shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

The use of the property as a house in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8, HO11, T1, T3 and T4 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1) Principle: The proposed development would make a positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2016) Policy 3.3B and Local Plan (2018) Policy HO1 target of 1,031 residential units per year through new build, conversion of change of use.
- 2) Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with London Plan (2016) Policy 3.5, the Mayor's Housing Supplementary Planning Guidance (SPG), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and Key Principles of the Planning Guidance SPD (2018) which all require new housing to be of a high-quality design and be designed to have adequate internal space.
- 3) Design and Heritage: The proposed additional floor and alterations to the lift core are acceptable in visual terms. The proposals are considered to be of a high quality of design having regard to the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. The proposal therefore accords with the NPPF (2019), London Plan (2016) Policies 7.4 and 7.6, Local Plan (2018) Policies DC1, DC4 and DC8, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4) Impact on Neighbouring Properties: The development would respect the principles of good neighbourliness. There would be no significant worsening of outlook, overlooking, and noise/disturbance, and no unacceptable loss of sunlight or daylight to cause undue detriment to the amenities of neighbours. Measures would be secured by condition to minimise noise transmission and loss of privacy. The proposed development therefore accords with the NPPF (2019), London Plan (2016) Policy 7.15, Local Plan (2018) Policies DC1, DC4, H011 and CC11, and Key Principles of the Planning Guidance SPD (2018).
- 5) Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to a satisfactory legal agreement restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with the NPPF (2019), London Plan (2016) Policies 5.16, 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, Local Plan (2018) Policies T3, T4 and CC7, and Key Principles of the Planning Guidance SPD (2018).
- 6) Flood Risk: Subject to conditions relating to SuDs and water efficient fixtures and fittings the development would not have a significant effect on flood risk or surface water run-off. The proposed development therefore accords with the NPPF (2019), London Plan (2016) Policies 5.11, 5.12, 5.13, 5.14 and 5.15, Local Plan (2018) Policies CC3 and CC4, and Key Principles of the Planning Guidance SPD (2018).
- 7) Air Quality: Subject to conditions relating to the submission of a ventilation strategy and details of the installation of Zero Emission heating plant to be provided for space heating and hot water the development would not have a significant effect on local air quality. The proposed development therefore accords with the NPPF (2019), London Plan (2016) Policy 7.14, and Local Plan (2018) Policy CC10.
- 8) Objections: Whilst a number of issues have been raised by objectors to the scheme it is considered, for the reasons explained in the detailed analysis, that planning permission should be granted for the scheme subject to appropriate safeguards to ensure that necessary controls and mitigation measures are established.
- 9) Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.
- 10) Planning Obligations: A planning obligation to prohibit any occupier of the new residential units from obtaining on street parking permits to offset the highway impact of the development and to make the development acceptable in planning terms is secured. The proposed development would therefore mitigate external impacts and would accord with London Plan (2016) Policy 8.2 and Local Plan (2018) Policy CF1.

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

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

Application form received: 10th June 2019

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	17.07.19

Neighbour Comments:

Letters from:	Dated:
FLAT MELVILLE COURT GOLDHAWK ROAD W12 9NY	18.07.19
55 Melville Court Goldhawk Road London W12 9NY	29.07.19
58 Melville Court Goldhawk Road London W12 9NY	09.08.19
43 Melville Court Goldhawk Road London W12 9NY	29.07.19
20 Melville Court Goldhawk Road London W12 9NY	06.08.19
28 Melville Court Goldhawk Road London W12 9NY	14.08.19
28 Melville Court Goldhawk Road London W12 9NY	06.08.19
59 Melville Court Goldhawk Road London W12 9NY	09.08.19
13 Melville Court Goldhawk Road London W12 9NY	29.01.20
14 Melville Court Goldhawk Road London W12 9NY	09.08.19
57 Melville Court Goldhawk Road London W12 9NY	06.08.19
26 Melville Court Goldhawk Road London W12 9NY	06.08.19
35 Melville Court Goldhawk Road London W12 9NY	12.08.19
53 Melville Court Goldhawk Road London W12 9NY	09.08.19
51 Melville Court Goldhawk Road London W12 9NY	30.07.19
1 Egerton Drive Isleworth Tw7 7EQ	29.07.19
2A Goodwin Rd Shepherd's Bush, W12 9HX	01.08.19
8 Melville Court London W12 9NY	28.07.19
Morgan Management Ltd 11 Brent Street London NW4 2DX	26.07.19
Flat 11, Melville Court Goldhawk Road London W12 9NY	25.07.19
Hammersmith London hammersmith w12	01.08.19
57 Coningham Rd Shepherd's Bush, london W12 8BS	01.08.19
57 Coningham Rd Shepherd's Bush, London W12 8BS	01.08.19
19 Cathnor Rd Shepherd's Bush, London london W12 9JD	01.08.19
14 Melville Court Goldhawk Road London W12 9NY	26.01.20
Flat 30 Melville Court Goldhawk Road LondonbW12 9NY	26.07.19

38 Melville Court London, W12 9NY	25.07.19
Flat 48, Melville Court Goldhawk Road London W12 9NY	25.07.19
51 Reade Court London w3 8fe	01.08.19
Flat 48 Melville Court London W12 9NY	26.07.19
51 Goldhawk Road London w12	01.08.19
4 Melina Rd, Shepherd's Bush W12 9HZ	24.01.20
Apt 2 Coral Milner Grove, 15 Ghar, id-Dud Street, Sliema SLM1570	25.07.19

1.0 SITE DESCRIPTION

- 1.1 The site consists of an 'L' shaped six-storey 1930's mansion block situated on the northern side of Goldhawk Road at the junction with Cathnor Road. There are commercial units to the ground floor facing Goldhawk Road, the remainder of the site is occupied by 59 self-contained flats. The western side of the building provides access ways leading to all flats, and a communal garden to the rear.
- 1.2 The site is not located within a conservation area, however, it is located opposite the Coningham and Lime Grove Conservation Area which lies to the east along Cathnor Road. The Grade II Venessa Nursery School also lies in close proximity to the site further north on Cathnor Road.
- 1.3 The immediate character and appearance of the area is residential, with some commercial uses at ground floor level. To the west, across Cathnor Road, is 176 to 182 Goldhawk Road, a newly completed part 4 storey part 5 storey building comprising retail at ground floor and flats above, and a 4-storey block of flats known as Morland Court. No. 1 Cathnor Road directly to the north is a two storey plus lower ground floor detached residential property. To the west is 192 and 194 Goldhawk Road, a semi-detached pair of early Victorian villas which are locally listed as Buildings of Merit. The rear grounds of No 194 are additionally occupied by the Long House, a part single storey, part two storey building, originally built as workshops and thought to be converted into artists' studios (1993/01150/FUL), also locally listed as Buildings of Merit.
- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 3 (Moderate). Goldhawk Road is classified as London Distributor Road and the site is within Controlled Parking Zone V.
- 1.5 The site is within Flood Risk Zones 2 and 3.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2016/03953/FUL: Erection of an additional floor at roof level to use as a 1 x 3-bedroom self-contained residential units and the related increase in the height of the chimneys. Application withdrawn.
- 2.2 2017/02962/FUL: Erection of an additional floor at roof level to use as a to create four residential units comprising of 2 x 1 bedroom, 1 x 2 bedroom, 1 x 3-bedroom self-contained residential units, the related increase in the height of the chimneys and associated external alterations.

The application was refused for the following summarised reasons:

- 1) Visual amenity: Harm to the appearance of the property, to the character and appearance of the neighbouring Coningham and Lime Grove conservation area, and to the setting of the nearby Grade II listed Vanessa Nursery School, by virtue of the excessive footprint, glazed elevations, prominent location, and inadequate design details;
- 2) Substandard living environment: inadequate floor to ceiling height;
- 3) Unneighbourly development: failure to provide BRE daylight and sunlight assessment to assess the quality of daylight and sunlight to the proposed units and the daylight and sunlight impacts on neighbouring residential occupiers.
- 4) Accessibility: Failure to provide adequate access for all and failure to meet the part M4 (2) standards (level access) for mobility impaired people.

3.0 PROPOSAL

3.1 The current application has been submitted to respond to the earlier planning refusal and seeks permission for the erection of an additional floor at roof level in connection with the creation of 2 x 2 bedroom and 1 x 3 bedroom self-contained flats; extension of existing lift shaft, including installation of new fire rated lift, and installation of a new window at 6th floor level to the western elevation; erection of balustrades to eastern and western elevations at 6th floor level and erection of replacement chimney stacks.

3.2 The proposals have been amended from the previous application to try to address the reasons for refusal. In summary, the key changes comprise:

- Reduction in footprint;
- Reduction to the number of units from 4 to 3;
- Increase to floor to ceiling height from 2.43 metres to 2.54metres;
- Inclusion of a BRE Daylight and Sunlight Assessment;
- Extension to lift shaft and provision of new fire rated lift to provide level access to the new flats

4.0 PUBLICITY AND CONSULTATIONS

+ Consultation

4.1 The application was advertised by way of site and press notices. Individual notification letters were also sent to 188 neighbouring properties.

4.2 Following the submission of additional information the application was re-advertised in the same manner.

4.3 In total 34 resident responses have been received. 9 supporting the application and 25 objecting. The comments are summarised as follows;

Support

- Well thought through design
- It will improve the area
- Good upgrade to the streetscape.
- Lovely work by the architect
- Provision of homes

Objection

- Design and impact on neighbourhood and adjacent conservation area and listed building
- The resultant building would appear overbearing
- The combined height of the existing 6 storeys and the additional floor would result in a significantly larger building compared to all other neighbouring properties on Goldhawk Road and Cathnor Road
- The additional floor schemes such as Romney Court and The Grange shown in the Design and Access states are not comparable
- The extension of the chimneys and lift shaft will exceed the proposed additional floor and add to the prominence
- Soil vent pipes (SVPs) and Photovoltaic panels to roof are unattractive
- Overdevelopment of this end of Cathnor Road
- Fire safety and no second means of access
- Lack of provision for surface water drainage
- Insufficient detail provided for connection with/maintenance of existing communal services
- Obstruction for maintenance repairs of existing communal services at roof level
- Lack of information and further details required in relation to freeholder consent, and whether the costs of making good of chimneys and alterations to water storage tanks addition of the new roof will be at the applicant's expense
- Would gas/electric and water pipes be visible
- Parking congestion (new units should be permit free)
- Insufficient information regarding photovoltaic panels (position/angle/operation)
- Discrepancies in the proposed drawings
- Disruption during construction
- Can the existing building accommodate the additional weight
- How does the extension adjoin the existing building
- Prevention of access to and from flats during installation of new lift
- Loss of light/daylight
- Increased noise from intensification of use
- Failure to serve correct notice to freeholder
- Increased service charges
- Reduction to value of existing flats
- Proposed cycle store would impact to caretaker storage room, electrical intake room and communal garden space.
- Will landscaping of communal garden be included
- Who will pay for the new lift

2.2 Officer response: A number of issues raised include freeholder consents, costs and structural matters. In some cases these are covered by other legislation such as Building Regulations. All material planning issues raised are considered and addressed in the following assessment.

2.3 Thames Water raises no objection subject to the inclusion of informatives.

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2016) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (February 2019)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

5.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

+ Draft London Plan

5.7 The draft London Plan was published for public consultation in 2017. Following an Examination in Public of the draft Plan from January to May 2019, the Panel issued their report and recommendations to the Mayor in October 2019. In December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration. The 'Intend' version includes a schedule of which recommendations the Mayor is intending to accept or not and the Secretary of State has 6-weeks to review this. Once adopted, the new London Plan will supersede the current London Plan. As the document is in its late stages towards adoption, it is considered that relatively significant weight should be applied to the draft policies where the inspector had a more favourable view in determining this application

+ Local Plan

5.8 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

6.1 The main considerations material to the assessment of this application have been summarised as follows:

- o Principle of Land Use
- o Quality of Accommodation
- o Design and Appearance (including impact on heritage assets).
- o Residential Amenity (outlook/privacy/daylight/sunlight/noise)
- o Highways and Transportation
- o Environmental Matters

LAND USE

6.2 London Plan Policy 3.3B and Table 3.1 set an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. Draft London Plan Policy H1 sets out ten-year targets for net housing completions for each Borough. Hammersmith and Fulham has a target of 16,090 homes.

6.3 Local Plan Policy HO1 states that the council will work with partner organisations and landowners to exceed the current London Plan minimum target of 1,031 additional dwellings a year up to 2025 and continue to seek at least 1,031 additional dwellings in the period up to 2035. This target is achieved through various means including the provision of new homes through conversions.

6.4 The proposal would provide three additional units and as such would contribute to the delivery of additional residential accommodation as set out in the above policies.

QUALITY OF ACCOMMODATION

6.5 London Plan Policy 3.5 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Mayors Housing SPD provides detailed standards which set out the minimum level of quality and design that new homes should meet. Further detailed guidance relating to the design of new housing is provided in the DCLG's Nationally Described Space Standards.

6.6 Local Plan Policies HO4 and HO11 also require all housing to provide a high quality residential environment and be well designed internally and externally. Planning Guidance SPD Key Principles HS1 and HS2 are also relevant with regards to internal space and amenity space provision.

+ Housing mix:

6.7 London Plan Policy 3.8, together with the Mayor's Housing SPG seek to promote housing choice and a balanced mix of unit sizes within new developments. Local Plan Policy HO5 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation (3 bed or more). The justification to Policy HO5 makes clear that 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.

6.8 The proposal comprises the following mix:

2 x 2 bed, 4 persons (66.6%)

1 x 3 bed, 6 persons (33.3 %)

6.9 Whilst only 1 flat would be 3 bedrooms it is worth noting that the 2 bed units are designed to accommodate 4 persons, which could include a small family. In this case the dwelling mix is considered to be acceptable and accords with the intent of the above policies.

+ Internal space standards

6.10 Local Plan Policy HO4 and HO11 expect all housing development to be of a high-quality design and be designed to have adequate internal space. The proposed flats should accord with the minimum internal space standards set out in London Plan, the Mayor's Housing Supplementary Planning Guidance (SPG) and the DCLG's Nationally Described Space Standards (2015), with particular reference to Policy 3.5, Table 3.3 of The London Plan of which is also listed in the Planning Guidance SPD Key Principle HS2.

6.11 The above policies all require a 2 bed 4 person flat to have a minimum gross internal area (GIA) of 70sq.m including at least 2.0sq.m. built in storage, and 3 bed 6 person flat to have a minimum gross internal area (GIA) of 95sq.m including at least 2.5sq.m. built in storage.

6.12 The proposed residential units are:

Flat 1, 3 bed, 6 persons, 101 sq/m including 2.5sq/m built in storage

Flat 2, 2 Bed, 4 persons, 70 sq/m including 2.5sq/m built in storage

Flat 3, 2 Bed, 4 persons, 73 sq/m including 3.6sq/m built in storage

6.13 The proposed flats would meet the minimum GIA requirements and provide adequate internal storage space.

6.14 The above policies also set a minimum floor to ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. However, to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, the London Plan, the Mayor's Housing SPD Standard 31, and SPD Key Principle HS2 require a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area.

6.15 The previous application failed to provide adequate floor to ceiling height

(2434mm) for the new flats, and on this basis the proposal was considered to provide a poor quality of accommodation for the intended occupiers. The height of the current roof extension has been increased slightly (by 100mm) in order to attain a floor to ceiling height of 2540mm, thereby exceeding the minimum 2.5 metres requirement for new units in London.

+ Aspect, light, outlook and privacy

- 6.16 The reception of light and outlook is important to the quality of life. The Mayor's Housing SPG recognises that dual aspect dwellings, with opening windows on at least two sides, have many inherent benefits including better daylight, greater chance of direct sunlight for longer periods, natural cross ventilation, and greater capacity to address overheating, mitigating pollution, a choice of views and greater flexibility in use of rooms. On this basis Policy 3.5 of the London Plan, the Mayor's Housing SPG Standards 29 and 32 and Planning Guidance SPD Key Principle HS2 state developments should minimise the number of single aspect dwellings, and single aspect dwellings that are north facing should be avoided.
- 6.17 London Plan Housing SPG Standard 32 requires that all new homes should provide for daylight to enter at least one habitable room for part of the day. Where it cannot be met, housing schemes should demonstrate the provision of good amenity for its residents.
- 6.18 Under the previous application 2 of the 4 flats had an easterly aspect only. The application failed to demonstrate the level of light received by those proposed flats would be acceptable. On this basis the proposal was considered to provide a poor quality of accommodation for the intended occupiers.
- 6.19 The levels of light and outlook the proposed flats would receive under the current application is considered acceptable. All three flats would now be dual aspect with full height glazing covering a large proportion of the elevations. Further, given the location at roof level, the proposed flats will not experience any overshadowing from surrounding buildings. It can, therefore, reasonably be determined that all flats will experience a good quality of natural light throughout the year.

+ External amenity space

- 6.20 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. It is also required that all new dwellings have access to an area of amenity space appropriate to the type of housing being provided. The Mayor's Housing SPG Standards 26 and 27 require a minimum of 5sqm. of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm. for each additional occupant, and where balconies are provided these be designed to respect the amenity of neighbours and should have a minimum depth of and width of 1500mm. The latter is also reiterated under Planning Guidance SPD Key Principle HS1. Key Principle HS1 also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and for family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. The Housing SPG Standards however recognises that in some cases, site constraints may make it impossible to provide private open space for all dwellings.

- 6.21 The proposal does not show any amenity space for the additional units. Whilst there is opportunity for the 3 bedroom flat to have access onto the remaining flat roof for use as a terrace this would not be acceptable on design grounds as it would necessitate further development on the roof that would likely to be considered unacceptable on visual amenity grounds, as well as providing the opportunity for noise and disturbance and loss of privacy to surrounding residential properties.
- 6.22 Notwithstanding the flats would have access to the communal garden and Ravenscourt Park is approximately 370m away which provides an alternative amenity space.
- 6.23 On this basis, it is not considered the lack of private amenity space would justify a refusal of planning permission. This arrangement was considered acceptable under the previous application.

+ Accessible Homes

- 6.24 Local Plan Policy HO6 seeks to secure high quality accessible homes in all developments that included housing. London Plan Policy 3.8 (Housing Choices) seeks to ensure that 90% and 10% respectively of new housing meets the Buildings Regulations requirements for M4(2) accessible and adaptable dwellings, and M4(3) for wheelchair users.
- 6.25 The key issue in ensuring that M4 (2) can be achieved within a development is to ensure, at planning application stage, that units can reasonably achieve level access. Under the previous application the proposal failed to demonstrate that the new flats were accessible to all. In particular, the lift core did not extend beyond the 5th floor, and from that point the occupiers were required to take the existing stairs to the 6th floor. In addition, it was not confirmed whether the proposed units themselves would meet the Buildings Regulations requirements.
- 6.26 In the case of the current proposals, the lift core would be extended up to the 6th floor level, and level access would be provided from the stair/lift core to the roof extension and each individual flat. The existing lift will be replaced by a new fire rated lift. The applicant has also confirmed that the layouts of the new flats will meet Part M. Compliance with Parts M4(2) and M4(3) of the Building Regulation will be secured by way of condition.
- 6.27 The applicant has confirmed that a temporary fully accessible lift will be installed for approximately 2 months during the works to the existing lift to ensure continued access to the building by residents. As a temporary structure in connection with and for the duration of the works approved under this application to Melville Court it would benefit from permitted development in accordance with Schedule 2, Part 4, Class A of the GPDO 2015 (as amended).

+ Secured by Design

- 6.28 London Plan Policy 7.3, Local Plan Policy DC2 and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and

appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The details of how the proposal will incorporate measures for crime prevention will be secured by condition.

DESIGN AND HERITAGE

- 6.29 The NPPF (section 12) states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.
- 6.30 Policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan are all relevant and promote the high-quality design of buildings and streets. Policy 7.4 states that development should have regard to the form and function, and structure of an area, place or street and the scale, mass, and orientation of surrounding buildings whilst Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. These are supported by Draft London Plan Policy D3.
- 6.31 Local Plan Policy DC1 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.
- 6.32 Local Plan Policy DC4 states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations and extensions the council will consider the impact on the existing building and its surroundings and take into account the following:
- a) Scale, form, height and mass;
 - b) Proportion;
 - c) Vertical and horizontal emphasis;
 - d) Relationship of solid to void;
 - e) Materials;
 - f) Relationship to existing building, spaces between buildings and gardens;
 - g) Good neighbourliness; and
 - h) The principles of accessible and inclusive design.'

- 6.33 Local Plan Policy DC8 states that the council will '....aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance SPD Key Principle CAG3.
- 6.34 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.35 It is proposed to extend the building by an additional storey to provide three flats. Under the previous refusal officers noted that 'while an increase in massing at roof level would not necessarily be considered harmful in principle, the proposed footprint is considered to be excessive and such the development would fail to integrate respectfully into the composition of the building.' In particular, it was considered there was a lack of distinction between the tank room and the proposed additional floor, and in views of the east facing elevation and from the north in Cathnor Road the extension would appear overly prominent due to the footprint of the proposal.
- 6.36 In comparison to the previous refusal the proposed additional floor has been reduced in scale. The footprint of the extension has been pulled away from the tank room in the south and from the east elevation facing Cathnor Road, and the northern roof perimeter now aligns with the northernmost chimney in order to reduce the visual impact on the original building. The extension would be built around the existing chimney stacks which would be extended above the new flat roofline. There is now a strong visual break of the existing overhanging roof line between the existing façade and the new floor. Officer consider the abovementioned setbacks contribute to a more recessive appearance of the proposed extension, and minimises the prominence of the extension in the view from the north along Cathnor Road and in turn its impact on the character and appearance of the neighbouring conservation area and the setting of the Grade II listed Vanessa Nursery School.
- 6.37 The lift shaft would connect to the existing core and would be extended to serve the new 7th floor level to the requirements of Building Regulations. The new lift overrun would be located in the centre of the flat roof of the existing core shaft and rendered white to match the façade. However, the lift overrun would not be visible from the ground. The three units would be accessed via an internal hallway which would also provide access through to the external landing to the tank room. The new corridor of the extension would be situated above the existing pipelines and hatches with removable floor panels would be installed to allow access for maintenance works. Low profile solar panels are proposed on the roof.
- 6.38 The design of the additional floor itself has been informed by the architectural style of the building and features a characteristic glazing pattern and a flat roof with a strong overhang to all sides to match the existing roof. The proposal involves curved glazing and rounded corners with Crittal style windows that contribute to

the high design quality of the extension and give a more lightweight appearance and to maintain the art deco style of the building. The glazing panels would feature clear lines, strong horizontality and pattern. The intention is to create a visually lightweight and recessive roof level. The materials include glass, render and brickwork to match the existing building, final details of which could be conditioned.

- 6.39 The overall increase in height is not considered to have a harmful impact on the townscape as it would align with the highest part of the building and only become more prominently visible in views from Goldhawk Road where it would appear behind the tank room and in context with larger blocks on Goldhawk Road. The design is considered to complement the architectural style of the building, and the strong existing roof overhang and the proposed strong roofline contribute to the integration the extension into the composition of the building. Overall, the clear lines and strong horizontality of the extension and of its glazing pattern are considered to be sympathetic to the 1930's building.
- 6.40 The 2 sites to the west of the application building are occupied by a semi-detached pair of early Victorian villas dating from about 1850, and are considered to be of local architectural and historic interest and designated as Buildings of Merit. The rear grounds of No 194 are additionally occupied by the Long House, originally, presumably, built as workshops and thought to be converted into artists' studios (1993/01150/FUL). The villas are separated from Melville Court by a depot car park. The proposed roof extension would not be inter-visible with the Buildings of Merit and is not considered to affect their setting due to the recessive location of the extension.
- 6.41 The building lies just outside Coningham and Lime Grove Conservation Area on the opposite side of Cathnor Road. This edge of the conservation area is occupied by a modern block of similar scale and therefore the scale of the extension is not considered to have a negative impact on its character and appearance.
- 6.42 In view of the above, the design and appearance of the proposals at roof level are considered acceptable. The proposals are in keeping with character and appearance of the subject building, and would not harm the character, setting or significance of the Coningham and Lime Grove Conservation Area, the Grade II listed Vanessa Nursery School, and the Buildings of Merit at No.s 192 to 194 Goldhawk Road.
- 6.43 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. It is considered that this is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.44 The proposed development is also considered acceptable in accordance with the NPPF, Policies 7.4, and 7.6 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

IMPACT ON NEIGHBOURS

6.45 Local Plan Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:

- Privacy enjoyed by neighbours in adjoining properties;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties; and
- Openness between properties.

6.46 Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

6.47 In this instance only 1 Cathnor Road adjoins the site boundary, where this forms the flank boundary to this property. The other closest residential occupiers would be located below and in the southern block of Melville Court facing Goldhawk Road, the new development at 176-182 Goldhawk Road, and the remaining properties along Cathnor Road including Morland Court to the east, and the residential properties in 192 and 194 Goldhawk Road to the west.

+ Loss of privacy:

6.48 Planning Guidance SPD Key Principle HS7 states that new habitable residential windows should not be less than 18m away from existing habitable residential windows measured from a 60 degree arc from the centre of the window.

6.49 The proposed development would not result in undue harm to privacy. The newly created fenestration would be more than 18m from the nearest habitable windows in 176-182 Goldhawk Road. Due to the set back and orientation of the extension the new flats/internal corridor would not significantly overlook the flats below in Melville Court. There would also be no access from the proposed flats onto the remaining flat roof of the building to be used as a terrace, thereby further safeguarding surrounding properties from any potential overlooking or loss of privacy.

+ Outlook:

6.50 The proposed development would not result in undue harm to outlook. The bulk of the roof extension would be contained to the main roof and would be set back from all elevations. The nearest property, no. 1 Cathnor Road, which adjoins the rear site boundary features no windows on the opposing southern flank elevation. There is also sufficient distance from the proposed additional floor to other neighbouring properties so that the occupiers would not suffer a loss of outlook. On this basis the proposal is acceptable in this regard.

+ Daylight, Sunlight, and Overshadowing

6.51 The NPPF (Paragraph 123 part c) and footnote 37 states that daylight and sunlight guidance should be applied flexibly 'where they would otherwise inhibit making efficient use of a site', so long as they continue to provide adequate living standards.'

- 6.52 London Plan Policy 7.6 requires new buildings and structures to ensure that they do not cause unacceptable harm to the amenity of surrounding land and buildings in relation to a number of factors, including overshadowing.
- 6.53 The Mayor's Housing SPG Policy 7.6 makes clear that 'an appropriate degree of flexibility' should be applied when assessing the impacts of new development on surrounding properties and within developments.
- 6.54 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme.
- 6.55 The applicant's Daylight and Sunlight report which has been carried out in line with BRE considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on the following 17 residential properties:
- 180, 192, 194, 198, 200 and 202 Gold Hawk Road
 - Morland Court
 - 1, 3, 6, 8, 10 and 12 Cathnor Road
 - 5 and 7 Coningham Road
 - 16 and 17 Parnell Close
- 6.56 A total of 246 windows and 156 rooms were assessed in the applicant's daylight/sunlight report.

Daylight

- 6.57 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no sky-line (NSL) method and the Average Daylight Factor (ADF) method. Although the BRE Report (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended'.
- 6.58 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- 6.59 The NSL method is a measure of the distribution of daylight at the working plane within a room. It is similar to the VSC approach in that a reduction of 0.8 times in the area of sky visibility at the working plane may be deemed to be noticeable.
- 6.60 Of the 246 windows assessed, all meet the VSC target, with the exception 7 windows within Morland Court. Of the 7 windows affected the applicant considers 5 serve either non-habitable rooms or bedrooms which are acknowledged by the BRE Guidelines as being less important. The proposed development would reduce

the VSC to the 2 affected windows at ground floor level within Morland Court by 24% and 36% against a target criterion of 20%. However, both windows are obstructed by large overhanging balconies that cut out the availability of the top portion of the sky which would affect the results.

- 6.61 Of the 156 rooms assessed, all meet the NSL target, with the exception 5 rooms within Morland Court. Of the 5 rooms affected the applicant considers 3 are either non-habitable rooms or bedrooms which are acknowledged by the BRE Guidelines as being less important. The proposed development would reduce the NSL to the 2 affected habitable rooms at ground and first floor levels by 37% and 34% respectively against a target criterion of 20%.

Sunlight

- 6.62 To assess loss of sunlight to an existing building, the BRE guidance suggests the Annual Probable Sunlight Hours (APSH) method. The APSH predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours, or at least 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.
- 6.63 The submitted Daylight and Sunlight Assessment demonstrates that all windows tested would fall within BRE guidance. Officers are therefore satisfied that there would be no detrimental impact on sunlight to neighbouring occupiers.

Overshadowing

- 6.64 The BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 6.65 The submitted Daylight and Sunlight Assessment also includes an overshadowing analysis of the impact of the proposed additional floor on the residential gardens of neighbouring properties. The results of the analysis show all amenity spaces retain direct sunlight of at least 2 hours across more than 50% of their area on 21st March, in accordance with BRE guidance. Officers are therefore satisfied that there would be no detrimental impact to neighbouring occupiers as a result of overshadowing.
- 6.66 In summary, the proposal will result in some properties in Morland Court experiencing changes outside of the BRE recommendations in respect to daylight. Although these alterations may be noticeable to the occupant, failings such as this are not unexpected for development in urban areas. When considering the site as a whole, of the 156 rooms tested 154 (c.98%) would adhere to the NSL BRE Guidelines, and of the 246 windows tested 244 (c.99%) would adhere to the VSC BRE Guidelines in relation to the daylight assessments. Furthermore, of the 246

windows tested 246 (c.100%) would adhere to the BRE Guidelines in relation to the sunlight assessment, and all amenity spaces would adhere to the BRE Guidelines in relation to overshadowing. Against this backdrop and in consideration of the urban location, it not considered that the proposal would lead to an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development.

6.67 The BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting residential amenity. The proposal in all amenity aspects is considered acceptable. A refusal of planning permission on this basis would not be justified.

+ Noise

6.68 NPPF paragraph 170 states that planning decisions should prevent new and existing development from contributing to unacceptable levels of noise pollution. Similarly, Paragraph 180 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.69 London Plan Policy 7.15 and Draft London Plan Policy D14 also seek to ensure developments reduce, manage and mitigate noise to improve health and quality of life.

6.70 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development in the most appropriate locations. Design, layout and materials should be used carefully to protect against existing and proposed sources of noise, insulating the building envelope, internal walls floors and ceilings, and protecting external amenity areas. Noise assessments providing details of noise levels on the site are expected 'where necessary'.

Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

6.71 In addition to the above policies, the Mayor's Housing SPG Standard 30, Local Plan Policy HO11, and SPD Key Principle NN3 states that in the design of new residential dwellings (including change of use and conversions) careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings, and enhanced sound insulation should be provided where necessary. This is to limit the transmission of noise to sound sensitive rooms within proposed and adjoining dwellings.

6.72 The proposed flats would sit above 7 flats below. To mitigate any unacceptable levels of noise transmission between both the new and the existing flats details of sound insulation will be secured by a condition.

6.73 As stated earlier it is not proposed to use the remaining roof as amenity space for the proposed flats (SPD Key Principle HS8 is therefore not applicable).

- 6.74 Further to the above policies Key Principle NN7 requires the submission of a Demolition Management Plan and/or Construction Management Plan for substantial developments close to other premises. In this case a Construction Management Plan (CMP) will be required by a condition to ensure that the amenity of neighbouring properties would not be adversely affected during the construction phase.
- 6.75 In summary, based on the above, it is not considered the proposal would result in significant harm to the amenities of neighbouring occupiers in terms of outlook, privacy, daylight/sunlight and noise. And, subject to conditions, the proposal accords with the policies cited above.

HIGHWAYS AND TRANSPORTATION

- 6.76 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
- 6.77 Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of The London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards and cycle parking standards. These are supported by Policies T5 and T6 of the Draft London Plan.
- 6.78 Local Plan Policy T1 supports The London Plan and seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. Local Plan Policy T4 sets out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. Local Plan Policy T3 seeks to ensure that satisfactory cycle space is provided for all developments.
- 6.79 The above Local Plan Policies are supported by Planning Guidance Key Principles TR3 to TR5.

+ Car parking

- 6.80 The site has a PTAL of 3 using Transport for London's (TfL's) methodology, indicating that it has a moderate level of public transport accessibility. According to London Plan Policy 6.13, Local Plan Policy T4 and Key Principle TR3 of the Planning Guidance SPD, the council will only consider issuing of permits for on street parking in locations where the PTAL level is considered 2 or lower (TfL's public transport accessibility level). Therefore, to comply with the requirements of London Plan Policy 6.13, Local Plan Policy T4 and Key Principle TR3 of the Planning Guidance SPD and prevent an increase in parking stress on surrounding streets, as well as to reduce the impact on air quality which additional car generation would otherwise create, the applicant has proposed the development is car permit free. Prohibition of future residents to obtain parking permits is to be

secured through section 16 of the Greater London (General Powers) Act 1974.

+ Cycle parking

6.81 London Plan Policy 6.9 and Local Plan Policy T3 states that all studios and 1-bedroom units are required to have a minimum of 1 cycle parking space provided, and 2 spaces are required for all other dwellings. These are required to be safe, accessible and conditioned for the life of the development.

6.82 In accordance with the above policy requirement the proposals include 6 cycle parking spaces for the new dwellings. Covered cycle storage would be provided to the rear of the site adjacent to the refuse stores. The council's Highways Officer is satisfied that the cycle parking space proposed under the current application is safe and accessible. A condition is attached for this to be implemented prior to the occupation of the development and retained thereafter.

+ Refuse storage

6.83 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Local Plan Policy CC7 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

6.84 3 additional bins will be provided to the existing designated refuse storage area to the rear of the site and will be collected as per the existing arrangements.

6.85 On this basis, the proposal is considered to comply with Local Plan Policy CC7. The implementation of the refuse store is secured by a condition.

+ Building Works

6.86 Given the location of the site on a corner plot along Goldhawk Road, a London Distributor Road, and in the interests of preserving the amenities of neighbouring occupiers during the course of construction works, in accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle TR21 a Construction Logistics Plan will be secured by a condition. The CLP shall include full details of measures to minimise the impact of construction traffic on nearby roads and restriction of construction trips to off-peak hours only.

6.87 Subject to the abovementioned conditions, in respect to car permit free, cycle and refuse storage, and construction logistics officers consider that the proposed development would not detrimentally impact on the highway network and would be in accordance with the policies cited above.

ENVIRONMENTAL MATTERS

+ Flood risk

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

- 3.89 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.
- 6.90 Draft London Plan Policy SI12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, river quality, biodiversity and recreation.
- 6.91 Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and to promote the use of water efficient fittings and appliances.
- 6.92 The SuDs, and Flood Risk and Water Efficiency Chapters of the Planning Guidance SPD support the above.
- 6.93 The proposal site is located within flood zones 2 and 3. The additional units would be at roof level so flood risk is not a significant issue in this regard. However, where there are opportunities to introduce sustainable urban drainage measures, these should be explored and implemented where possible. This will be secured by a condition. The incorporation of water efficient fixtures and fittings in the development to reduce water use and minimise foul water flows to the sewer will be also be secured by a condition.
- 6.94 On this basis officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies cited above.

+ Air Quality

- 6.95 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 6.96 London Plan Policy 7.14 seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.
- 6.97 Draft London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

- 6.98 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.99 The development site is within the borough wide Air Quality Management Area (AQMA). The development proposal will introduce new residential receptors into an area of very poor air quality as a result of vehicle emissions from Goldhawk Road and will result in an impact on local air quality from the transport and energy plant emissions during the operational phase. Further mitigation measures, will therefore be required to make the development acceptable in accordance with Local Plan Policy CC10. On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating the submission of a ventilation strategy and details of the installation of Zero Emission heating plant to be provided for space heating and hot water.
- 6.100 On this basis officers consider that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.

7.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ S106 Heads of Terms

- 7.1 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 7.2 London Plan Policy 8.2 states that: 'When considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. Development proposals should address strategic as well as local priorities in planning obligations. Affordable housing and other public transport improvements should be given the highest importance'. It goes onto state: 'Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.'
- 7.3 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 7.4 It is anticipated that the S106 for this development will include the following draft heads of terms:
- o Prohibition of any occupier of the 3 residential units to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974.

+ Mayoral and Local CIL

7.5 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3. This development would be subject to a London wide community infrastructure levy. This development is liable for a Mayoral CIL of £23,040 (excluding indexation).

7.6 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. There is £28,800 (excluding indexation) Borough CIL payable for this site based on the additional floorspace.

8.0 CONCLUSION

8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.

8.3 In summary, the proposed development would contribute towards the quantity of the borough's housing stock. The proposed additional floor and alterations to the lift core are acceptable in visual terms. The proposals are considered to be of a high quality of design having regard to the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new dwellings meet the minimum standards and provides a good standard of accommodation for the new occupants. Highways, transportation and environmental matters including flood risk and air quality have also been satisfactorily addressed and will be subject to conditions. In these respects, the proposals comply with the relevant policies of the NPPF (2019), the London Plan (2016), the Draft London Plan, the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

8.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to the conditions listed, and the completion of a s106

9.0 RECOMMENDATION

1) That the Chief Planning Officer be authorised to grant planning permission upon

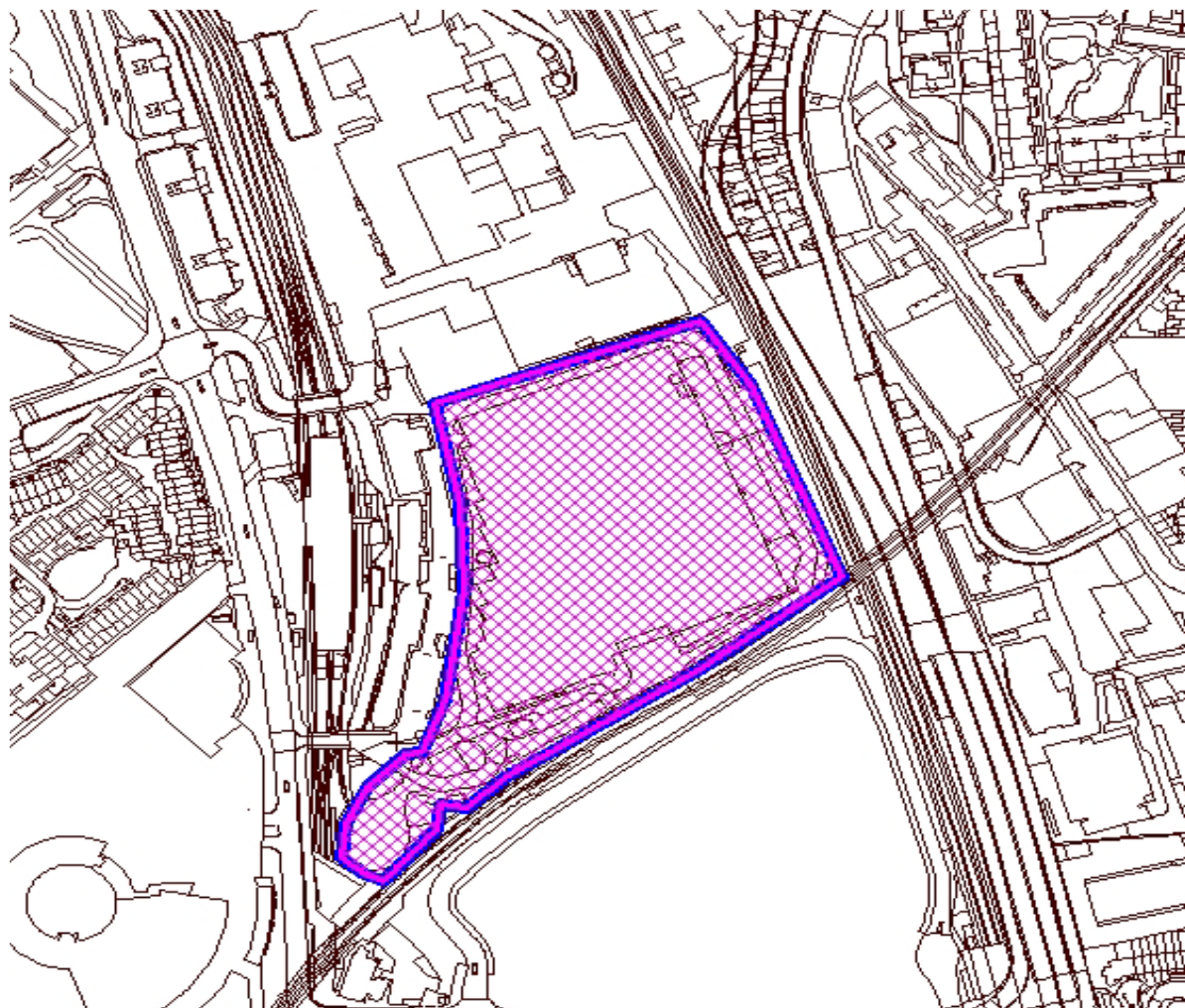
the completion of a satisfactory legal agreement and subject to the conditions listed below.

- 2) That the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Ward: College Park And Old Oak

Site Address:

M&S White City Site 54 Wood Lane London W12 7RQ



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For identification purposes only - do not scale.

Reg. No:
2020/02905/VAPO

Case Officer:
Mr Neil Button

Date Valid:
02.11.2020

Conservation Area:
Wood Lane Conservation Area - Number 42

Committee Date:
08.12.2020

Applicant:

Lara Waugh
54, Wood Lane London W12 7RQ

Description:

Variation of the Section 106 Agreement attached to planning permission ref: 2017/04377/VAR dated 25 June 2018.
Drg Nos:

Application Type:

Vary or Discharge Planning Obligation

Officer Recommendation:

- 1) That the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement.
- 2) That the Chief Planning Officer, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement and any such changes shall be within their discretion.

Reasons for allowing Varying Planning Obligation:

- 1) Housing: It is considered that the proposed development (as revised), would allow for the affordable residential units to be delivered across all affordable housing tenures and at affordability levels that will ensure the housing is available to a full range of household incomes at a local and London level. It is considered that the proposed housing would assist the regeneration of White City Regeneration Area thereby achieving the Council's strategic objectives. The proposal is therefore supported and considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.8, 3.9 and 8.2 of the London Plan and Policies HO1, HO3, HO5, and Strategic Policy WCRA and WCRA1 of the Local Plan 2018.
- 2) Planning Obligations: Planning obligations to offset the impact of the development have been secured under the extant consent. It is considered that the Affordable Housing Commuted Sum would be necessary, proportionate, reasonable, fair and linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123, for major developments. The proposed development is therefore considered to adequately mitigate external impacts and is considered to be acceptable in accordance with Policy 8.2 of the London Plan and Strategic Policy WCRA (White City Regeneration Area) of the Local Plan 2018.

Justification for Approving the Application:

- 1) Housing: It is considered that the proposed development (as revised), would allow for the affordable residential units to be delivered across all affordable housing tenures and at affordability levels that will ensure the housing is available to a full range of household incomes at a local and London level. It is considered that the proposed housing would assist the regeneration of White City Regeneration Area thereby achieving the Council's strategic objectives. The proposal is therefore supported and considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.8, 3.9 and 8.2 of the London Plan and Policies HO1, HO3, HO5, and Strategic Policy WCRA and WCRA1 of the Local Plan 2018.

- 2) Planning Obligations: Planning obligations to offset the impact of the development have been secured under the extant consent. It is considered that the Affordable Housing Commuted Sum would be necessary, proportionate, reasonable, fair and linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123, for major developments. The proposed development is therefore considered to adequately mitigate external impacts and is considered to be acceptable in accordance with Policy 8.2 of the London Plan and Strategic Policy WCRA (White City Regeneration Area) of the Local Plan 2018.

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

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

Application form received: 30th October 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

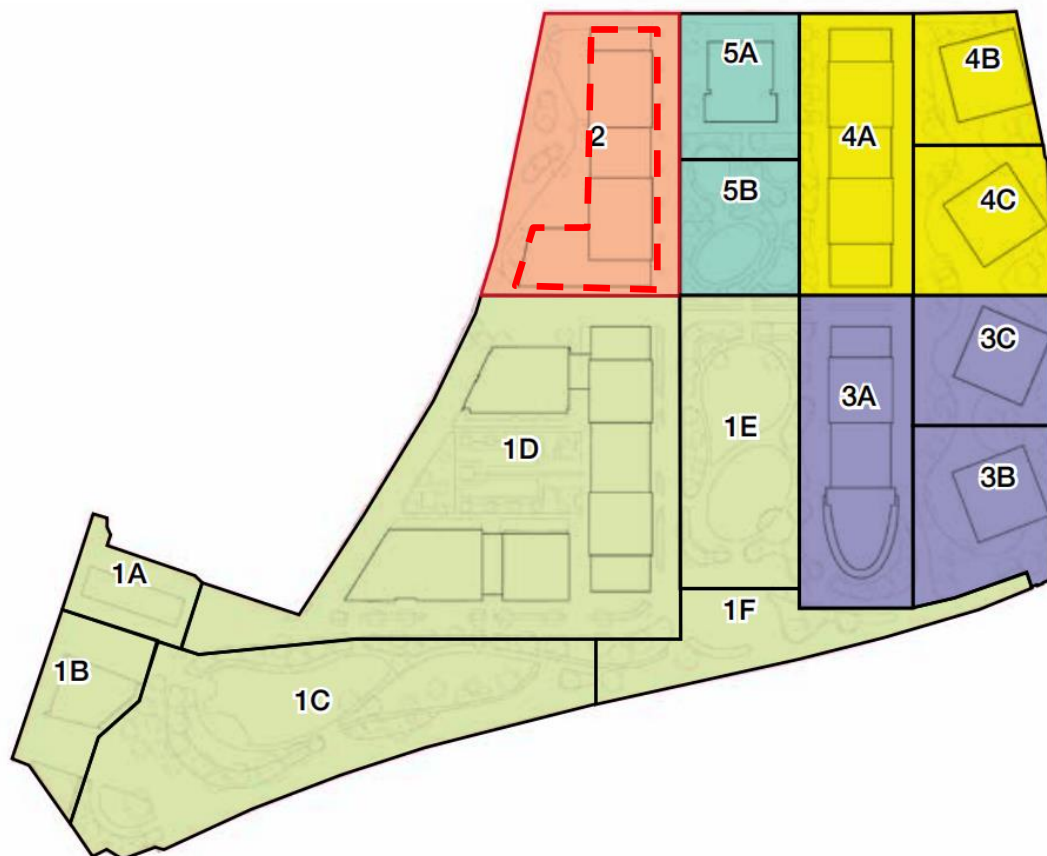
Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND

- 1.1 The applicant is applying to vary the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25th June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City (known for the purposes in the Report as White City Living or (WCL)). The White City Living development comprises a major residential led-mixed use development to provide up to 1845 homes with ground floor flexible commercial floorspace, open spaces, access, landscaping, car park and routes. The resulting agreement will comprise the Sixth Deed of Variation of the S106 Agreement pursuant to the Extant Planning Permission for the wider WCL development.
- 1.2 The wider White City Living (WCL) site was previously occupied by a 21,807square metre warehouse that Marks and Spencer plc (M&S) used as a mock layout store with associated car parking and service yard. The former warehouse has been demolished and Phases 1 and 2 of the development are under construction.
- 1.3 The proposed Deed of Variation specifically relates to Phase 2 of the Development (Block B1) highlighted in red which comprises 427 Affordable homes and flexible ground floor commercial floorspace as per the below site plan. Phase 2 is located the north western corner of the wider site.



- 1.4 The WCL site is currently under construction with Phases 1(A-F) and 2 substantially completed with Phase 3 underway.
- 1.5 The WCL site is located to the north of the Circle/Hammersmith and City Line viaduct west of the London Overground Line and West Cross Route (A3220) and east of Wood Lane (A219). The new bridge and decked area extend above the former Central line cutting to the south.
- 1.6 The Developer (St James) will soon commence redevelopment of the land immediately to the west of the Phases 1 and 2 of the WCL land (as part of the Centre House development).
- 1.7 The land to the north comprises the Imperial College owned former Dairy Crest site which contains a temporary office building (Scale Space). Westfield Shopping Centre is located to the south of the railway viaduct.

Planning Designations

- 1.8 The London Plan (as altered 2016) and the subsequent Draft London Plan (2017) designate the site within the White City Opportunity Area; which is expected to deliver a substantial number of new homes and jobs through comprehensive regeneration. The White City Opportunity Area Planning Framework (WCOAPF, October 2013) identifies the site within the White City East Area and within a proposed housing area as part of mixed-use schemes.
- 1.9 The LBHF Local Plan (2018) identifies the site as being located within the Wood Lane Conservation Area; which was designated by LBHF in 1991 to principally protect the Grade II Listed BBC Television Centre which is located 100m west of the site. It is also designated in the Local Plan as being within the White City Regeneration Area, and within Strategic Site WCRA 1 'White City East'. The site is affected by Aerodrome safeguarding of Heathrow 150m and Northolt 91.4m and is also located in close proximity to listed buildings most notably the BBC Television Centre and the Dimco Building off Ariel Way (on the Westfield site). The site is located within Flood Risk Zone 1 and is also located within an Air Quality Management Area (as is the whole Borough). The site does not contain any listed buildings or any nationally designated heritage assets such as scheduled monuments or registered parks and gardens and is not within an Archaeological Priority Area nor is it affected by any strategic views.

2.0 PLANNING HISTORY:

- 2.1 The original planning application (Ref: 2014/04726/OUT) for the comprehensive redevelopment of the site was granted permission on 16th December 2015 with the following description:

Planning application (part detailed/part outline) for the demolition of all existing buildings and structures and the redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units (Class C3) and

use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:

(1) Detailed planning application for up to 37,935 sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995 sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) and leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; and associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

(2) Outline planning application (with all matters reserved) for up to 112,295 sqm. (GEA) residential floorspace and ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) and leisure (D2) floorspace; provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site; and associated amenity space, open space, landscaping, car parking and motorcycle parking, and other associated infrastructure works. APPROVED 16/12/2015.

- 2.2 The Section 106 Agreement secured the on-site delivery of affordable housing within Phase 2 with the tenures, dwelling mix and affordability levels set out in Schedule 5. This permission was varied in 2017 (ref: 2016/03907/VAR - the First Variation Application) dated May 2017 and varied again in 2018 (ref: 2017/04377/VAR - the Second Variation Application) dated 25th June 2018. The Second Variation Application comprises the extant permission and is the relevant permission subject to amendment in this application. The description of the development of the extant planning permission is as follows:

Variation to conditions 1-8 of planning permission 2016/03907/VAR (for the comprehensive phased redevelopment of the site for a residential-led mixed-use development) granted 23/05/2017 in order to permit minor material amendments to the outline form of development. Amendments comprise modifications to the approved Parameters Plans and Development Specification and Parameters Report that cover design alterations to Development Plots B1 (varying the horizontal parameters (to -0.92m to +27.98m) to permit an extended southern building line), Development Plots D1 and E1 (varying parameters to extend the maximum heights by an additional +2.31m and 8.86m), Development Plots D2, D3 and E2 (varying parameters to extend maximum heights by an additional +4.79m) and incorporating a new additional Development Plot E3 (to comprise residential use within a new building up to 74.45m in height). The specified amendments would facilitate the optimisation of residential units to increase the overall maximum unit numbers from 1,477 to 1,814 units including the provision of an additional 118 affordable units (35% of the additional units).

2.3 The Variation of the 2016 Permission (2016/03907/VAR) by way of the 2017 Permission (2017/04377/VAR) was accompanied by subsequent Deeds of Variation of the Original Section 106 Legal Agreement. The Deed of Variation (DoV) which accompanied the 2017 Permission was the Third Deed of Variation which consolidated the earlier 2 Legal Agreements. The Section 106 Agreement was varied again for minor non-material changes to Schedule 5 (affordable housing provisions) in 2018 and 2019. Deeds of Variation 4 and 5 secured amendments to the Mortgagee in Possession Clauses and 11x additional affordable housing within Phase 2 (London Living Rent Units). The Approved Affordable Housing Provisions (as a consequence of the Multiple Variations to the Planning Permission and Deeds of Variation) comprise the following:

TYPE OF PROPERTY	AFFORDABLE RENT	SOCIAL RENT	CSE	EXTRA CARE RENT	EXTRA CARE SHARED OWNERSHIP	LONDON LIVING RENT
Studio	0	0	67	0	0	3
1 bedroom	32	0	71	42	10	16
2 bedroom	64	0	36	3	5	12
3 bedroom	0	57	0	0	0	
4 bedroom	0	9	0	0	0	
TOTAL	96	66	174	45	15	31

Table 1: White City Living (Affordable Housing Provision in Sch.5 of S106 Agreements (consolidated))

2.4 In addition to the on-site affordable housing provisions, the s106 Agreement also secures a £34.5million financial contribution towards affordable housing provision in LBHF. The contribution is to be made in phased payments.

Non- Material Amendments (NMAT)

2.5 The applicant has obtained multiple approvals for a range of non-material amendments to the above outline planning permissions. The following non-material amendment applications are of relevance to the current proposals to vary the legal agreement.

Ref: 2018/00399/NMAT: Non-Material Amendment to outline planning permission (ref: 2016/03907/VAR) dated 23 May 2017; seeking amendment to description of development to omit the floorspace maximum and maximum residential quantum of the outline component. Approved 2nd March 2018

Ref: 2018/02116/NMAT: Non Material Amendment to Planning Permission (Ref: 2017/04377/VAR dated 25/06/2018) seeking to change the mix and number of dwellings in Phase 1 and provision of additional residential dwelling no.s within Phases 2 and 3 of the comprehensive redevelopment of the former M&S Warehouse Site; by way of variation of condition 3 (amended drawing numbers) and condition 7 (no. of dwellings) to permit up to 1845 residential units (an additional 31 x units) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 21st August 2018.

Ref: 2019/02965/NMAT: Non-material amendment to Planning Permission (Ref: 2017/04377/VAR) dated 25/06/2018; seeking to amend the approved Development Specification document to reduce the maximum floorspace parameter for Development Plot B1 and to increase the maximum floorspace parameters for Development Plots E2 and E3; including variation of condition 4 (design codes and parameter plans) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 22nd November 2019.

3.0 CONSULTATION RESPONSES

3.1 The following consultees responses are noted

- a) Housing: No objections

4.0 DESCRIPTION OF DEVELOPMENT

4.1 The applicant is applying to vary the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25th June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City.

4.2 Resolution of London Borough of Hammersmith and Fulham's Planning Application's Development Control Committee is required to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements, consolidating the provisions within the various agreements and securing changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes. The proposed change relates to amendments to Affordable Housing Schedule 5 (Affordable Housing Tenure and Income Ranges). These changes comprise converting the 174 consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and mix remain the same as the current consent.

4.3 Authority from LBHF's PADCC is required to amend the Section 106 Agreement pursuant to the Extant Planning Permission as the change to the tenure comprises a material change to the approved provisions endorsed by the Planning Committee on 6th March 2018.

4.4 The proposed 87 x Shared Ownership units would have household income up to £72,850 indexed under the current indexation in the present Section 106 to

the date of first sale. The proposed 87 x Intermediate Rent homes are split equally into three bandings as follows and these bandings will be indexed to first letting under the same terms as contained in the existing Section 106.

TYPE OF PROPERTY	IMR PROPERTIES	INCOME GROUP	PERCENTAGE %
Studio	29	IMR Band A - £33,604	33%
Studio	7	IMR Band B - £44,805	
1 bedroom	22	IMR Band B - £44,805	33%
1 bedroom	14	IMR Band C - £60,000	
2 bedroom	15	IMR Band C - £60,000	

Table 2: Proposed IMR Income Groups

- 4.5 An overage payment is proposed for the capital value increase (of the Shared Ownership and Intermediate Market Units (if any) above the value of the former CSE Units) at practical completion, with 50% of the increase comprising an Affordable Housing Commuted Sum which will be calculated and payable at the date of practical completion (estimated to be June 2022). All other terms are in line with the current S106.

5.0 PLANNING ASSESSMENT

Planning Policy Framework

- 5.2 The Town and Country Planning Act 1990 (referred to as 'the Act'), the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England and Wales. 7.2 Collectively, the three Acts create a 'plan led' system, which requires local planning authorities to determine planning applications in accordance with an adopted statutory Development Plan, unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act). 7.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD).

National Planning Policy Framework (2019)

- 5.3 The proposals have been evaluated against the Development Plan and the NPPF (2019) and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver "sustainable development."

The London Plan (2016)

- 5.4 The London Plan (as amended 2016) provides the strategic policy context for all 32 of the London boroughs and the Corporation of the City of London. It is a spatial development strategy up to 2036 and its main themes are economic development and wealth creation, social development and improvement of the urban environment.
- 5.5 The Mayor's strategic policies aim to provide more homes, promote opportunity and provide a choice of homes for all Londoners that meet their needs at a price they can afford. There is a recognised need for all housing types and Policy 3.3 of the London Plan seeks to increase housing supply. Policy 3.4 seeks to optimise housing potential and Policy 3.5 require housing developments to be of the highest quality. Paragraph 3.13 and Policy 3.3 of the London Plan recognise the 'desperate need for more homes in London' and set an annual housing target for the London Borough of Hammersmith and Fulham to deliver 1,031 net new homes per year.
- 5.6 The London Plan designates the site within the White City Opportunity Area (WCOA). Opportunity Areas are identified on the basis that they are capable of accommodating substantial new jobs and homes and the London Plan advises that their potential should be maximised. The London Plan identifies that the WCOA should provide a minimum of 6,000 new homes, although this figure is increased to 7,000 new homes within the Draft London Plan (2017). The policies applicable to the proposed Deed of Variation are as follows:
- Policy 3.1 – Ensuring equal life chances for all
 - Policy 3.3 – Increasing Housing Supply
 - Policy 3.4 – Optimising Housing Potential
 - Policy 3.5 – Quality and Design of Housing Developments
 - Policy 3.7 – Large Residential Developments
 - Policy 3.8 – Housing Choice
 - Policy 3.9 – Mixed and Balanced Communities
 - Policy 3.10 – Definition of Affordable Housing
 - Policy 3.11 – Affordable Housing Targets
 - Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed-Use Schemes
 - Policy 3.13 – Affordable Housing Thresholds
- 5.7 The Mayor has also published supplementary planning guidance and strategies which elaborates on London Plan Policy. Those most relevant in consideration of the proposals are:
- Affordable Housing and Viability SPG (August 2017)
 - Mayor's Housing SPG (March 2016)

Development Plan

- 5.8 The relevant Development Plan for the area comprises the LBHF Local Plan (2018), LBHF Local Plan Proposals Map (2018) and London Plan (MALP) (2016). In addition, LBHF Supplementary Planning Guidance Document (2018) is a material planning considerations.

LBHF Local Plan (2018)

- 5.9 The Local Plan (February 2018) sets out the council's vision for the borough until 2035. It contains development policies to be used by the Council in helping to determine individual planning applications. The Local Plan should be read and considered alongside the London Plan and will be supplemented by supplementary planning documents (SPDs). The Local Plan incorporated an increase in target additional new homes within the White City Regeneration Area to 6,000 (from 5,000 in the former Core Strategy). The figure for new homes is proposed to be increased to 7,000 within the Draft London Plan (2017).
- 5.10 The policies within the Local Plan aim to ensure development within the borough accords with the spatial vision of the borough. The key policies relevant to the proposals are:
- Strategic Policy WRCA – White City Regeneration Area
 - Strategic Site Policy WCRA1 – White City East
 - Policy HO1 - Housing Supply
 - Policy HO3 - Affordable Housing
 - Policy HO4 - Housing Quality and Density
 - Policy HO5 - Housing Mix

Planning Considerations

- 5.11 The Extant Planning Permission secures 427 affordable homes to be delivered within Phase 2 of the White City Living development (Plot B1). The development comprises a mix of 66 x social rented, 96 x affordable rented, 174 x Council Shared Equity, 31 x London Living Rent and 60 x Extra Care Housing (Rented/Shared Ownership) tenures (see Table 1 of this report). The developer/applicant has entered into discussions with the Preferred Registered Provider who will manage the affordable homes (excluding the Extra Care Homes) and the proposed modifications to the affordable housing provisions are proposed as a result.
- 5.12 The applicant has applied to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements, consolidating the provisions within the various agreements and secure changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes. The changes comprise converting the 174 consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and mix remain the same as the current consent.
- 5.13 Schedule 5 of the Section 106 Agreement sets out the detailed affordable housing provisions which secures the affordable homes in perpetuity alongside the overall affordable tenures, dwelling sizes/unit types and affordability levels. Phase 2 is currently under construction and it is understood practical completion is near.

5.14 The proposed resulting affordable housing split for the development would be as follows. The amended Deed of Variation would reflect these provisions:

PROPERTY TYPE	AR	SR	IMR	ISO	LLR	EXTRA CARE (SO)	EXTRA CARE RENT
Studio	0	0	36	31	3	0	0
1 Bedroom	32	0	36	35	16	10	42
2 Bedroom	64	0	15	21	12	5	3
3 bedroom	0	57	0	0	0	0	0
4 bedroom	0	9	0	0	0	0	0
TOTAL	96	66	87	87	31	15	45

Table 3: Revised Affordable Housing Schedule

AR=Affordable Rent. SR=Social Rent. IMR=Intermediate Rent. ISO=Intermediate Shared Ownership. LLR=London Living Rent

5.15 The Extant Planning Permission secured 174 CSE homes across 3 income groups with a lower, intermediate and upper incomes. 33% of the CSE homes fell within the Lower Income Group, 32% fell within the Intermediate Income Group and 35% fell within the Upper Income Group as follows:

TYPE OF PROPERTY	PROPERTIES	CSE/DMS INCOME GROUP
Studio	23	£30,000 (indexed)
Studio	21	£40,000 (indexed)
Studio	23	£66,000 (indexed)
1 bedroom	23	£30,000 (indexed)
1 bedroom	23	£40,000 (indexed)
1 bedroom	23	£66,000 (indexed)
2 bedrooms	12	£30,000 (indexed)
2 bedrooms	12	£40,000 (indexed)
2 bedrooms	12	£66,000 (indexed)
	174 x CSE Homes	

Table 4: Approved Intermediate CSE dwelling mix & income groups

- 5.16 The proposed DoV proposes to change 87 of the 174 x CSE homes to Intermediate Rent homes with an equal no. of properties (eg: 33%) available to the three income groups to reflect the affordability of the consented CSE units.

TYPE OF PROPERTY	IMR PROPERTIES	INCOME GROUP	PERCENTAGE %
Studio	29	IMR Band A - £33,604	33%
Studio	7	IMR Band B - £44,805	33%
1 bedroom	22	IMR Band B - £44,805	
1 bedroom	14	IMR Band C - £60,000	33%
2 bedroom	15	IMR Band C - £60,000	

Table 5: Revised Intermediate Rent dwelling mix and income groups

- 5.16 The proposed remaining CSE units will be changed to 87 x Shared Ownership units and would be available to households with incomes up to £72,850 indexed under the current indexation in the present Section 106 to the date of first sale.
- 5.17 An overage payment (to LBHF) in the form of an Affordable Housing Commuted Sum is proposed and this would be secured if the capital value of the revised Intermediate Rent/Shared Ownership is above the value of the former Council Shared Equity provisions, at the time of practical completion. The Commuted Sum would be derived from 50% of the uplift in value which will be calculated and payable at the date of practical completion, estimated to be in June 2022. All other terms are in line with the current S106.
- 5.18 The proposed tenure changes only relates to the intermediate dwellings and does not affect the other social, affordable or London Living rented homes or the Extra Care units. As such, the proposals are not substantially different from the approved development which provides affordable homes across all of the tenures in order to provide a balanced and mixed community. Officers consider the form of revised intermediate tenure would ensure satisfactory levels of affordability which is within the spirit of the approved intermediate units. The Shared Ownership provisions and affordability level is to be set below the maximum cap set out in the London Plan (£80K) and is agreed with the Council's Housing Team.
- 5.19 The applicant has engaged with LBHF Housing Officers who raise no objections and the change to the form of intermediate tenure and affordability levels are considered to be acceptable in principle, subject to the appropriate wording being secured in the s106 agreement. The proposals would ensure the development provides a significant number of genuinely affordable homes at income levels which are compatible with local needs and which are secured in perpetuity.

6.0 RECOMMENDATION

- 6.1 It is recommended that the Committee approves the proposed variation to the Section 106 agreement to allow the following changes to Schedule 5 of the

Agreement (Affordable Housing Intermediate Tenure types) in addition to any minor changes to the s106 agreement.

- (a) Change 87 x CSE affordable dwellings to 87 x Intermediate Shared Ownership dwellings available to households with yearly incomes up to £72,850;
- (b) Change 87 x CSE affordable dwellings to 87 x Intermediate Rent dwellings with 33% available to household incomes up to £33,604, 33% available to household incomes up to £44,805 and 33% available to household incomes up to £60,000.