Appeal Decision

Hearing opened on 18 March 2025

Site visit made on 19 March 2025

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/H5390/W/24/3356413
St Stephen's Hall, 3-5 Gayford Road, London W12 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Northcote Western Limited against the Council of the London Borough of Hammersmith and Fulham.
- The application Ref is 2022/01859/FUL.
- The development proposed is: Demolition of existing building and construction of part-three, part-four storey development (with additional lower ground floor development) comprising nursery use (Class E) at lower ground and ground floors and residential dwellings at first floor and above.

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and erection of a part-three, part-four storey building plus lower ground floor, comprising of a nursery use (Class E) at lower ground and ground floor level, to include external play area at ground floor level, and residential dwelling use (Class C3) consisting of 7no. self-contained flats at first floor to third floor level (2x1 bed, 4x2 bed and 1x3 beds), and build-out of the highway to increase footway width outside 3-7 Gayford Road, at St Stephen's Hall, 3-5 Gayford Road, London W12 9BY in accordance with the terms of the application, Ref 2022/01859/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Northcote Western Limited against the Council of the London Borough of Hammersmith and Fulham. This application is the subject of a separate decision.

Preliminary Matters

3. The description in the banner heading is taken from the application form. At the hearing the main parties confirmed they had agreed a revised description that includes build-out of the highway to increase footway width. This change was advertised before the appeal was made, and an indicative plan of the proposed build-out was made available for comment before the hearing. I am therefore satisfied there would be no procedural unfairness arising from the revised description, which I have used in my decision above.

4. The appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a

statement explaining the reasons why it would have refused planning permission had it been able to do so. I have had regard to the Council's statement in framing the main issues below.

5. The documents listed at the end of this decision were submitted during and after the hearing in accordance with agreed deadlines. I am satisfied they are relevant to the appeal and the parties have had an opportunity to comment on them.

6. The National Planning Policy Framework (the Framework) was updated in December 2024. The parties had an opportunity before and during the hearing to comment on the implications of the revised Framework for the appeal, and I have taken their comments into account in my decision.

Main Issues

7. The main issues are:

- the effect of the proposal on the provision of community facilities in the area;
- the effect of the proposal on highway safety, with particular reference to cumulative impacts on the highway network; provision for cycle parking and storage; safe and suitable access from Wendell Mews; and construction logistics; and
- the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance from the proposed external residential amenity areas.

Reasons

Provision of community facilities in the area

8. St Stephen's Hall was built in the 1930's for use by members of the local Catholic parish and is owned by the Catholic Church. The needs of the parish community have since changed and the social club that operated on the first floor of the building closed in 2017. The building was also used as a dining hall for the local parish school, until that built its own hall several years ago. The parish states the property is now unsuitable for its ongoing needs given its size, state of repair and distance from the Holy Ghost & St Stephen Church, where satisfactory alternative space was developed some four years ago.

9. The parties agree the appeal premises have been largely unused since the first Covid lockdown in March 2020. Prior to that, the parish let the ground floor meeting hall for an average of 16 hours per week to eight regular users on six-monthly terms. The evidence before me suggests these users included children's activities, exercise classes and self-help groups, as well as a regular term-time booking by the Stepping Stones Nursery (SSN), which operates from No 7 next door. The premises also appear to have been hired for occasional larger social events.

10. SSN would like to resume their former arrangement if they could and the activities previously hosted in the hall were clearly valued by local people. However, I have been provided with a long list of other community halls and spaces for hire, which I understand comes from the Council's website. Even if some of these venues are not available for casual lettings, there is no compelling evidence others on the list could not provide a reasonable alternative for the types of activity previously hosted

by St Stephen's Hall. Moreover, given that facility has been unavailable for some five years, it is likely some former users have already found another venue. Consequently, I am not persuaded loss of the existing facility would contribute to a shortfall in local community hall provision.

11. There is also no pertinent evidence future casual letting of St Stephen's Hall would generate sufficient revenue to cover its running costs bearing in mind the hourly rate previously charged and age of the building. The parish states most of the previous tenants have shown no interest in returning to the hall and demand was anyway declining before lettings ceased. This is corroborated by evidence of unsuccessful marketing. There is little policy basis to substantiate that campaign's alleged shortcomings, notwithstanding the prevalence of Covid at the time. I therefore find it unlikely the type of intermittent community use that previously occurred would be economically viable for the current or a future owner.

12. The proposed nursery would provide an alternative community use on the site, the economic viability of which is demonstrated by the interest of an identified commercial operator (N Family Club or NFC). The nursery would offer care for children of 0-4 years of age between 7:30am and 7pm on weekdays, 51 weeks a year. NFC states analysis of demographic data shows a significant unmet demand for this type of provision, assuming 75 per cent of children would come from within 1 mile of the facility and 25 per cent from within 1.5 miles.

13. The Council's Childcare Sufficiency Assessment 2022-23 (CSA) found sufficient good and outstanding childcare provision in the Borough to meet demand from local families, including in the ward local to the site. However, this analysis does not factor in supply and demand across borough borders and the appeal site is very close to two other London boroughs. The other ward profiles and maps of childcare accessibility before me also indicate some gaps in provision in the wider area.

14. The graph on page 5 of the CSA shows a forecast increase in 0–4 year-olds in the Borough between 2022 and 2032, notwithstanding the decline in that age group recorded in 2021. The CSA refers to the recent extension of government entitlements to subsidised places. It also notes growing demand for flexibility of childcare and recommends an increase in provision outside the hours of 8am-6pm. These factors support NFC's demand analysis. There are also several letters of support for the proposed new nursery before me.

15. SSN provides for children aged 2-5 between 8am and 6pm for 46 weeks a year. The nursery classes at Good Shepherd School down the road are for pupils between 3 and 4 years of age. Therefore, the service proposed on the appeal site would be materially different from those closest to it, whether or not they have available places. Consequently, it would widen the choice of early years places in the area in accordance with the CSA's recommendation. This would also accord with Policy S3 of the London Plan (LP), which seeks a sufficient supply of good quality childcare facilities to meet demand and offer educational choice; and with the Framework, which seeks a sufficient choice of early years places to meet the needs of communities. Policy CF1 of the Hammersmith & Fulham Local Plan 2018 (HFLP) also supports the provision of childcare nurseries.

16. Given these considerations and the variety of communities and needs in the area, I see no reason why the viability of existing providers would necessarily be harmed.

The list before me of other nurseries in west London omits information about age or opening hours, so does not enable full analysis of directly comparable alternatives.

17. Taking all this together, I find the new nursery would be an appropriate replacement for St Stephen's Hall. The proposed development would therefore satisfy HFLP Policies CF1 and CF2 and LP Policy S1, which together seek to protect community facilities and services by retaining, enhancing or replacing existing community uses, taking into account the role the existing facility plays, whether its loss would contribute to a shortfall in local provision, and whether the facility or an alternative community use is economically viable.

18. A community hall and nursery fall into different sub-categories in the definition of community facilities/uses within the HFLP glossary. However, HFLP Policies CF1 and CF2 Policies do not prohibit substitution of one sub-category for another when applying their tests and criteria. A medical facility instead of a nursery has been suggested, but no such proposal is before me. As regards flexibility of accommodation, HFLP paragraph 9.23 only seeks this where appropriate. The operational and regulatory requirements of a childcare setting make such flexibility inappropriate for the proposed use in my view.

19. The matter of affordability has been raised because HFLP Policies CF1 and CF2 seek inclusive provision. The Council state there is an identified need for fully funded childcare places for disadvantaged/low-income families who are not able to enrol their children beyond the government-funded entitlements. On this basis it sought a planning obligation for four bursary-funded places in perpetuity. However, there is little before me to substantiate this need, or to justify the type, quantum or value of subsidy sought. Consequently, I am not satisfied such an obligation would be necessary to make the development acceptable in planning terms or fairly and reasonably related to it in scale and kind. It would therefore conflict with the statutory tests[1] for planning obligations and paragraph 58 of the Framework.

20. For the above reasons, I conclude the proposal would have an acceptable effect on the provision of community facilities in the area and I find no conflict with HFLP Policies CF1 and CF2 or LP Policies S1 and S3.

Highway safety

<u>Cumulative impacts on the highway network</u>

21. The appellant has confirmed the maximum number of children attending the nursery at one time would be 72, so I have considered the evidence of transport impacts on that basis.

22. SSN's owner explained at the hearing that their peak start time is 9am when nursery classes begin, with a minority of users arriving before then. Parents and children generally queue outside SSN from about 8.45am until the doors open. Peak arrival time at the Good Shepherd School further down Gayford Road was confirmed to be around 8.40am. I observed these arrival patterns during my visit.

23. A representative of NFC explained that, based on their experience of running other nurseries in similar parts of London, morning arrivals at the proposed nursery would be expected to be spread between 7.30am and 10am, with about 20-25 percent after 9am. This is a lower proportion of later arrivals than anticipated in the

[1] In Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

appellant's transport evidence. Consequently, notwithstanding staggered opening times, the new nursery would add to the existing peak of drop-off activity in Gayford Road between 8am and 9am. The parties agree afternoon pick-ups are generally less concentrated than arrivals.

24. The appellant's modal split data[2] predict about 65 percent of parents would bring their child to the new nursery on foot,19 percent would cycle, 9 percent would use a car, and 7 percent would use public transport. The proportion of both parents and staff using alternatives to the private car would be expected to increase somewhat over time based on the proposed Nursery Travel Plan (NTP).

25. The footway outside the appeal site and SSN is relatively narrow. Therefore, when parents and children are queuing to enter SSN, there is limited space for others to pass easily. The addition of the new nursery would aggravate this problem. However, a build-out has been proposed to widen the footway outside both the appeal site and SSN, which would enable people to progress down the street and/or enter the new nursery more easily. Although details of the measure would need to be finalised and secured, the Council accepted at the hearing that it would both improve existing footway congestion outside SSN and help mitigate the impact of the proposal. I concur.

26. The build-out would extend no further into the carriageway than the two existing parking spaces it would replace. Consequently, although cars must already wait sometimes to pass each other in this part of Gayford Road, the build-out would not materially worsen this situation. To ensure the works are carried out in a safe and appropriate manner to the satisfaction of the highway authority, the parties could enter into an agreement under section 278 of the Highways Act 1980 (a s278 agreement). The Council confirmed there was no reason why a pedestrian guard rail could not be included in the final design under this process. There is also no pertinent evidence the build-out would worsen visibility for drivers.

27. Further, parents/carers would be able to wait in the internal reception area of the new nursery rather than on the street if they need to; there would be dedicated front-of-house staff to manage arrivals and enforce good behaviour; and breakfast would be available continuously for an hour rather than at a specific target arrival time. These and other measures in the proposed Nursery Operational Management Plan (NOMP), which would be monitored, would help ensure effective operation of the new facility's entrance and its interface with SSN at busy times.

28. The impact of additional pedestrians on the wider road network would be mitigated through highways works, such as improved crossings, on nearby streets, identified in the Active Travel Zone Assessment (ATZA) of the proposal.

29. The appellant's most recent parking survey data[3] were collected on a Tuesday and Thursday in term-time, which are days when drop-off activity would be expected to be highest. Table 1.1 shows occupancy of the 73 available shared use parking spaces in Gayford Road on these days ranged from 62 percent at 8am, when there were 28 available spaces, to 77 percent at 8.40am, when there were 17. Therefore, even if seven cars (10 percent of the 72 expected children) arrived at once at the busiest time, and even allowing for the loss of two shared use parking spaces from the highway build-out, there would be enough parking capacity. Although available

[2] Nursery Travel Plan Ref 2022/4523/R02-JP, by TPP Consulting, June 2022
[3] Parking Survey Results Report Ref 2022/4523/RO7-JP, by TPP Consulting, October 2023

capacity at the peak would be close to the Council's parking stress benchmark of 85 percent, this would be a worst-case scenario for a short period.

30. The seven flats would be car and permit free, other than for Blue Badge Holders, so they would not materially increase on-street parking demand. I see no compelling reason why outstanding questions about servicing and deliveries to the nursery could not be addressed through a revised Delivery and Servicing Plan (DSP) for the development, which could be monitored.

31. Concerns have been raised about rat-running, arguments between drivers, disregard for parking controls, damage to parked cars, disruption to rubbish collection, and engine-idling in Gayford Road. Whilst I acknowledge such behaviour is distressing and disruptive for residents, there is little before me to substantiate its suggested scale or lead me to conclude it would worsen as a direct result of the proposed development, bearing in mind the considerations I have set out above. Matters of parking and highway enforcement are beyond my remit and one-way routing of vehicles falls under a different regulatory regime. Conditions to require automatic collision avoidance devices or restrict vehicle size on Gayford Road would not be reasonably practicable or enforceable on the public highway.

32. I have considered the report of an incident involving a car and a child on a cycle outside the Good Shepherd School. At the hearing, a representative of the school explained that school staff proactively enforce parking restrictions, including the zig-zag lines outside the school entrance, during drop-off and pick-up times. I observed this during my visit. With that and the other considerations above in mind, I am satisfied the proposal would not materially worsen child safety in the street. If anything, children's safety overall would improve as a result of the proposed build-out and pro-active management of the interface between the two nurseries

33. Taking all this together, I find the risk of conflict between road users at peak drop-off times would be mitigated to a reasonable degree, and the risk of aggravated parking congestion in Gayford Road and surrounding streets would be low. I therefore conclude the residual cumulative impacts of the proposal on the road network, following mitigation, would not be severe. I will consider the highway build-out, ATZA works, NTP, NOMP and DSP further under planning obligations below.

Provision for cycle parking and storage

34. Fourteen secure and covered long-stay cycle parking spaces would be provided close to the entrances for the proposed flats, plus one accessible space for larger cycles. This would exceed the 13 long-stay spaces required under LP Policy T5, so the spare space could be used for short-stay parking. The three flats on the Wendell Mews side would have a separate entrance because of the infill nature of the development on a small and constrained site with limited ground floor outside space. This consideration outweighs the absence of a second short-stay cycle parking space for the residential element of the scheme.

35. Further, whilst I note vertical cycle stands are not preferred in the London Cycling Design Standards (LCDS), the guidance recognises space can be a constraint that affects the type of cycle parking used. Space is constrained in this scheme for the reasons given, such that vertical racks would be acceptable so long as they can be fitted in accordance with manufacturer specifications. Further refinements to cycle parking provision could be secured by condition.

36. Similarly, whilst cycle, buggy and scooter storage for the nursery at lower ground level would be less convenient than at ground level, it would nevertheless be accessed step-free via a lift designed for this purpose. Appropriate facilities to encourage staff to cycle, such as showers, lockers and maintenance facilities, could also be secured by condition.

37. Overall, I am satisfied provision for cyclists would meet the guiding LCDS principles of being fit-for-purpose, secure and well-located, even if it would not achieve the highest design expectation in every respect.

Safe and suitable access from Wendell Mews

38. Wendell Mews is an alleyway in private ownership connecting Rylett Road and Wendell Road. It already provides the sole access for several existing dwellings. Statutory declarations submitted by the appellant indicate the Mews has been used for access for a long period. Consequently, although the red line boundary for the proposal does not include Wendell Mews, the risk of obstructed access to the three new flats fronting it would be low and there would be recourse through private law. I note the Council's concern about the red line boundary did not prevent it validating the planning application.

39. As there is no through route on Wendell Mews for vehicles other than cycles, those providing services and deliveries to the three flats would need to park in short-stay parking spaces in nearby streets and walk to their front door. However, given the Mews is relatively short and there are few dwellings with off-street parking in the vicinity, this arrangement would not be materially different from the way other nearby flats and houses, including those already fronting Wendell Mews, receive services and deliveries.

40. Waste bins for the new Wendell Mews flats would need to be stored on-site and presented for collection on the public highway at an agreed location. I agree with the Council that the location currently proposed at the corner of Rylett Road could conflict with the car repair garage located there. However, I see no reason why an alternative collection point could not be agreed via a revised Waste Management Strategy (WMS) along with further waste storage details, secured by condition, particularly bearing in mind the existing Wendell Mews residences already present their bins in this way.

41. Furthermore, the appellant has proposed a mechanism whereby occupants of the new flats would be required in their tenancy agreements to pay a service charge for a private contractor to present and return the bins on collection days. This could be monitored via the updated DSP. Subject to this, I am satisfied the residual risk of obstruction to the public highway would be low. Without information about the circumstances of comparable proposals in the area, I am unable to give significant weight to the issue of precedent.

Construction logistics

42. The tight grain of the highway network near the site means demolition and construction logistics would need to be very carefully managed, in liaison with the community and adjoining owners and occupiers. This could be achieved through the approval, implementation and monitoring of Demolition and Construction Logistics Plans (D&CLP).

43. Concerns have been raised about the comprehensiveness of the outline CLP submitted with the application. However, on the evidence before me I see no compelling reason why the necessary additional information could not be secured and approved prior to commencement of development. A planning obligation to this effect is before me, to which I will return below. Subject to this, I am satisfied acceptable levels of highway safety during construction could be achieved.

Conclusion on highway safety

44. For the above reasons, I conclude the proposal would have an acceptable effect on highway safety, with particular reference to cumulative impacts on the highway network; provision for cycle parking and storage; safe and suitable access from Wendell Mews; and construction logistics.

45. Accordingly, I find no conflict with LP Policies T1, T2, T4, T5, T7 and T9 or HFLP Policies T1, T3, T6, T7, CC7 and INFRA1. Together these Policies require development proposals to: not increase road danger; minimise traffic generation and associated congestion and air quality; mitigate adverse transport impacts; prioritise inclusive and safe access for people walking and cycling, including during construction; provide convenient, accessible, safe and secure cycle parking, and suitable facilities for the management of waste; and submit CLP and DSP with proposals and co-ordinate them with the Council.

46. I also find no conflict with Framework paragraph 116, which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Living conditions of neighbouring occupiers

47. The terraces proposed for Flats A, C and F would exceed 15m^2, which is the maximum area generally sought for balconies and terraces in the Council's Planning Guidance Supplementary Planning Document (SPD) to reduce noise and disturbance to neighbours.

48. The proposed terraces would be relatively close to existing and proposed dwellings and their size would accommodate several people at once, leading to higher levels of activity and associated noise. I therefore find a restriction on the size of the terraces to that generally sought by the SPD is necessary to mitigate disturbance to neighbouring occupiers. This could be achieved through physical restrictions on the extent of useable space, demonstrated on revised plans, which could be secured via condition. Future changes to the terraces and use of other rooftop areas by occupiers could also be restricted by condition.

49. On this basis, I conclude the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance from the proposed external residential amenity areas. Accordingly, I find no conflict with HFLP Policies DC1, DC2 and HO11, which together seek respect for the principles of residential amenity and a layout to minimise noise nuisance between dwellings.

Other Matters

50. Through good design on an infill site, the proposal would improve the character and appearance of the street and make effective use of brownfield land for a mix of uses including new homes. It would also contribute to the local economy through construction, future occupiers' use of local services and facilities, and local employment, training and procurement. These benefits support the Framework's social and economic objectives and add substantial weight in favour of the scheme.

51. The Council has raised the absence of step-free access to the new flats, given LP Policy D7 requires all new homes to comply with Building Regulation Part M specifications for either 'accessible and adaptable' or 'wheelchair user' dwellings. However, LP paragraph 3.7.6 explains that in exceptional circumstances provision of a lift to dwelling entrances may not be achievable, such as in blocks of four storeys or less in small-scale infill developments. Given the small site size and the complexity of infill development necessary to optimise its housing capacity above a community use, I find the circumstances in this case are sufficiently exceptional to warrant the flexibility in application of the Policy allowed for in the LP. Accordingly, a condition to secure accessible housing is not necessary.

52. The Council has raised no other concern with the living conditions for future occupants of the new flats or with the effect of the proposal on the privacy for neighbouring occupiers, biodiversity or water quality. On the evidence before me, and subject to the conditions set out below, I see no reason to disagree.

53. The physical restrictions to the depth of terraces referred to above, over-hangs designed into the building for privacy, and privacy screens would limit residential occupiers' ability to overlook the courtyard to be used for children's play. I am therefore satisfied any residual safe-guarding risk would be low and a grant of planning permission would not unacceptably interfere with the best interests of the children attending the nursery. It is proportionate in the circumstances to allow the appeal.

54. The Flood Risk and Sustainable Drainage Assessment submitted with the application demonstrates the proposed development is at low risk of flooding from all sources, given the presence of flood defences for the tidal River Thames. Consequently, subject to conditions securing a sustainable urban drainage strategy and controlling the impact of piling on sub-terranean sewage infrastructure, I am satisfied the sequential and exception tests are not necessary in this case. I note the Environment Agency and Lead Local Flood Authority also have no concerns.

55. Conditions securing sound insulation and controlling operating hours would mitigate potential adverse impacts from noise from the new development, including the nursery's outdoor play area. A NOMP would provide further mitigation and help minimise cumulative noise from the new and existing nurseries.

56. Whilst the construction process is likely to be disruptive it would be short-term and would be mitigated by a Demolition Method Statement (DMS), a Construction Management Plan (CMP) and an Air Quality Dust Management Plan (AQDMP) secured by condition or planning obligation. These measures would factor in monitoring and community liaison, including with SSN. There is no pertinent evidence noise during construction would harm children's hearing.

57. There is also no firm evidence to suggest the new flats would over-stretch local infrastructure such as schools or health facilities, that the proposed nursery would increase litter, or that refurbishment of the existing building would result in a lower carbon footprint than the proposed redevelopment, relative to floorspace area. Consequently, these do not provide reasons to withhold permission.

Planning obligations

58. A legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (s106 agreement) was finalised, executed and submitted following discussion at the hearing. This includes planning obligations to come into effect if planning permission is granted. I have considered these against the statutory tests for planning obligations having regard to the Council's CIL Compliance Schedule. The obligations relate to the matters set out below.

59. <u>Notification requirements</u>: before commencement and first occupation of the development, and before any change in ownership of the site. This is necessary so the Council can monitor compliance with the other planning obligations, and the conditions below.

60. <u>D&CLPs and monitoring fee</u>: requires D&CLPs to be submitted to the Council for approval, before and after condition surveys of the highway and a commitment to repair any damage caused. This is necessary to mitigate impacts of the development on the effective operation of the public highway, including management of freight movements and appropriate community liaison. The indexed monitoring fee of £5,000 for each year of the demolition and construction phases is necessary to ensure compliance and is reasonably related to the scale and complexity of the project.

61. <u>AQDMP monitoring fee</u>: an AQDMP covering the demolition and construction phases could be secured by condition were I to allow the appeal, for the reasons given under other matters. This obligation secures an indexed annual fee of £5,000 during these phases to monitor AQDMP compliance via the Council's online Construction Site Monitoring Register, in the interests of transparency. The fee is calculated according to a banding system that considers the size of the scheme.

62. <u>DSP and monitoring fee</u>: a DSP is necessary for the reasons given under the second main issue. This obligation secures its submission for approval prior to occupation of the development and an indexed monitoring fee of £3,000 to be paid upon submission and on the first, third and fifth anniversaries of that date, to ensure compliance, based on an estimate of Council officer time to undertake this work.

63. <u>NOMP and monitoring fee</u>: are necessary for the reasons given under the second main issue and other matters. This obligation secures its submission for approval prior to occupation of the development and an indexed monitoring fee of £3,000 to be paid upon submission and on the first, third and fifth anniversaries of that date, to ensure compliance, based on an estimate of Council officer time to undertake this work.

64. <u>NTP and monitoring fee</u>: a NTP is necessary for the reasons given under the second main issue. This obligation secures its submission for approval prior to occupation of the development and an indexed monitoring fee of £3,000 to be paid upon submission and on the first, third and fifth anniversaries of that date, to ensure compliance, based on an estimate of Council officer time to undertake this work.

65. Energy and sustainability contribution: to be paid prior to commencement of development. This includes a first sum of £31,993.22 indexed to account for the shortfall in meeting the requirement in LP Policy SI2 for major development to achieve net zero carbon based on the Energy Statement submitted with the application; and a second sum to mitigate any further shortfall in this requirement identified in a Revised Energy Statement (REA) secured via condition. The sums are calculated according to the LP formula of £95 per tonne of CO_2 over 30 years.

66. Highways works: pedestrian mitigation measures identified in the ATZA and build out of the highway outside 3-7 Gayford Road are necessary and directly related to the development for the reasons given under the second main issue. The obligation requires the owner to enter into a s278 agreement with the Council; cover all reasonable costs associated with the works; and not to permit occupation of the development before they have been completed.

67. Parking permit provisions: obligate the owner not to lease or transfer any dwellings or nursery floorspace in the development without a covenant restricting tenants or owners (other than Blue Badge Holders) from applying for a parking permit. This is necessary to secure car-free development in accordance with LP Policy T6.

68. Employment, skills and local procurement: obligations requiring submission of an Employment and Skills Plan (ESP) and Local Procurement Strategy (LPS), with targets for local employment, training and procurement, in accordance with LP Policy E11, HFLP Policy E4 and the Council's Employment and Skills and Supply Chain Procurement Codes. The ESP and LPS are to be submitted to and approved by the Council before commencement of development. The owner must use reasonable endeavours to achieve the targets and submit quarterly progress reports to the Council during the construction period.

69. Based on the details set out above, I am satisfied each of these obligations is necessary, directly related to the development, and fairly and reasonably related to it in scale and kind, and therefore accords with the statutory tests. Consequently, I give all the planning obligations in the s106 agreement significant weight.

Conditions

70. I have considered the conditions put forward by the main parties following discussion at the hearing. I have amended the wording where necessary in the interests of clarity and simplicity. I have also listed the conditions in the order they will need to be satisfied to aid comprehension. The appellant has given their written consent to the pre-commencement conditions.

71. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

72. Conditions relating to contaminated land risk assessment, remediation, verification and monitoring are necessary to protect public health and safety. They are pre-commencement conditions because contamination, if present, could affect site operatives and needs to be adequately mitigated before any works on site occur.

73. Conditions to secure a DMS and CMP, enclosure of the site, and the AQDMP referred to above are necessary to protect the living conditions of neighbouring occupiers, including children and staff in SSN, during demolition and construction.

The restriction on display of advertisements on hoardings is necessary in the interests of visual amenity. For concision, I have included the AQDMP for both demolition and construction phases in one condition. These are pre-commencement conditions to ensure any disturbance from construction is effectively managed from the outset.

74. The condition requiring the REA is necessary to make sure energy use, carbon emissions and heat risk management comply with LP Policies SI2 and SI4. This is a pre-commencement condition because the details to be agreed affect the way the building will be constructed; and the REA will provide the basis for calculation of any second sum to be made before commencement of development under the energy and sustainability contribution planning obligation noted above.

75. Further conditions controlling activity during demolition and construction are necessary to protect the street tree on Gayford Road and secure compliance with the agreed Sustainability Statement. The condition requiring a Piling Method Statement is necessary to safeguard underground sewerage utility infrastructure. The condition in relation to water efficiency and sustainable building materials is necessary to mitigate and adapt to climate change.

76. Conditions requiring approval of further details before work above ground commences are necessary to secure: a revised flood risk assessment and adequate sustainable drainage to mitigate flood risk; an acceptable external appearance through controlling plant and materials; smaller roof terraces to safeguard the living conditions of neighbouring occupiers; cycle parking/storage and refuse/recycling storage for highway safety and the effective operation of the development, aligned as necessary with a revised WMS; soft landscaping to achieve the LP Urban Greening Factor and a satisfactory street-scene; Secured by Design measures in the interests of crime prevention; and sound insulation, anti-vibration measures, odour abatement and ventilation systems to protect the living/working conditions of future occupants and users of the development and those of neighbouring occupiers.

77. Conditions requiring approval of details prior to occupation of the development are necessary to ensure: post-installation compliance with the Ventilation Strategy; zero emission heating equipment to mitigate climate change; Aerobic Food Digesters and an Ultra Low Emission Strategy to mitigate air pollution from servicing and delivery vehicles; an updated WMS for the reasons given under the second main issue; and noise mitigation and privacy screening to protect the living conditions of neighbouring occupiers.

78. Controls via condition on the use of the development, including the number of children attending and using the outdoor play space, are necessary to protect the living conditions of neighbouring occupiers. These will also ensure uses or activity that could result in materially different planning considerations to those I have found to be acceptable in the context of the appeal scheme are fully assessed through a separate planning application. A condition restricting the operating hours of the nursery to weekday working hours is necessary for the same reasons. However, given the identified demand, it would not be reasonable to require the nursery to close at 17.30 as suggested by some interested parties.

79. Conditions restricting permitted development rights for external telecommunications equipment, the addition of plant and other alterations to the external appearance of

the building are necessary to protect the character and appearance of the development and the surrounding area. However, the suggested condition relating to advertisements is not necessary as express consent would anyway be required for all advertisements that do not have deemed consent.

Conclusion

80. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graeme Keen KC	Counsel
Matt Richards	Savills
Emily Brosnan	Savills
Ryan Todd	Warrior Capital Limited
Julian Bishop	Warrior Capital Limited
João Guedes Ramos	Architect
Jen Parker	Transport Consultant
Jack Realey	Marketing Agent
Aaron Grainger	N Family Club 21 Limited, Nursery Operator
Father Mark Vickers	Holy Ghost & St Stephen Catholic Church
Gary O'Brien	Holy Ghost & St Stephen Catholic Church

FOR THE LOCAL PLANNING AUTHORITY (LPA):

Joel Semakula	Counsel
Sian Brown	Principal Planning Officer
Neil Egerton	Team Leader, Development Management
Gareth Docherty	Senior Transport Planner
Zoe Tower	Principal Transport Officer
Gerta Kodhelaj	Senior Planning Licensing Solicitor

INTERESTED PARTIES:

Mark and Bryony Dodd	Owners of Stepping Stones Nursery
Cllr Rebecca Harvey	Wendell Park Ward and Cabinet Member for Social Inclusion & Community Safety

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

DOC1	Revised draft s106 agreement
DOC2	CIL Regulations 2010 (as amended) Compliance Schedule
DOC3	Hammersmith & Fulham Air Quality Action Plan 2025-2030
DOC4	LP Policies T6, T9 and E11
DOC5	HFLP Policy DEL1
DOC6	Updated list of suggested conditions dated 21 March 2025
DOC7	Executed s106 agreement dated 28 March 2025

Schedule of conditions

Time limits and drawings

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing nos:

   2101_A_(03)_101_REV00

   2101_A_(03)_102_REV00

   2101_A_(03)_103_REV00

   2101_A_(03)_104_REV00

   2101_A_(03)_201_REV00

   2101_A_(03)_202_REV00

   2201_A_(03)_105_REV00

   2101_A_(03)_301_REV00

   2101_A_(03)_302_REV00

   2201_A_(02)_101_REV08

   2201_A_(02)_102_REV08

   2201_A_(02)_103_REV08

   2201_A_(02)_104_REV08

   2201_A_(02)_105_REV08

   2201_A_(02)_106_REV08

   2201_A_(02)_201_REV08

2201_A_(02)_202_REV08

2201_A_(02)_203_REV08

2201_A_(02)_204_REV08

2201_A_(02)_205_REV05

2201_A_(02)_206_REV08

2201_A_(02)_301_REV08

2201_A_(02)_302_REV08

2201_A_(02)_303_REV08

2201_A_(02)_401_REV08

2201_A_(02)_402_REV06

2201_A_(02)_403_REV03

2201_A_(02)_404_REV08

2201_A_(02)_405_REV08

2201_A_(02)_601_REV08

2201_A_(02)_602_REV00

2201_A_(02)_603_REV05

2201_A_(02)_604_REV04

2201_A_(02)_605_REV04

2201_A_(02)_606_REV04

2201_A_(02)_607_REV04

2201_A_(02)_608_REV00

2201_A_(90)_201_REV07

2201_A_(92)_101_REV00

Pre-commencement

3) No development shall commence, including any works of demolition, until a Preliminary Risk Assessment report is submitted to and approved in writing by the local planning authority. This report shall comprise:

   i) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;

   ii) a site reconnaissance;

   iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and

   iv) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials.

All works must be carried out in compliance with the approved Assessment and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

4) No development shall commence, including any works of demolition, until a Site Investigation Scheme is submitted to and approved in writing by the local planning authority. This scheme shall be based upon and target the risks identified in the approved Preliminary Risk Assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with the approved Scheme and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

5) Unless the local planning authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved Site Investigation Scheme, a Quantitative Risk Assessment report is submitted to and approved in writing by the local planning authority. This report shall:

   i) assess the degree and nature of any contamination identified on the site through the site investigation;

   ii) include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages; and

   iii) determine the risks posed by any contamination to human health, controlled waters and the wider environment.

   All works must be carried out in compliance with the approved report and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

6) Unless the local planning authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until a Remediation Method Statement is submitted to and approved in writing by the local planning authority. This Statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved Quantitative Risk Assessment. All works must be carried out in compliance with the approved Statement and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

   One complete, a Verification Report confirming the approved works have been undertaken shall be submitted to, and approved in writing, by the local planning authority. The Verification Report shall include details of:

   i) the remediation works carried out;

   ii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;

iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal; and

iv) the validation of gas membrane placement.

If, during development, contamination not previously identified is found to be present at the site, the local planning authority is to be informed immediately and no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the local planning authority.

Any required remediation shall be detailed in an amendment to the Remediation Statement and verification of these works shall be included in the Verification Report.

7) Unless the local planning authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an Onward Long-term Monitoring Methodology Report is submitted to and approved in writing by the local planning authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A Verification Report of these monitoring works shall then be submitted to and approved in writing by the local planning authority when it can be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

8) No development shall take place, including any works of demolition, until a Demolition Method Statement and Construction Management Plan have been submitted to and approved in writing by the local planning authority. The Demolition Method Statement and Construction Management Plan shall provide for:

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) measures to control dirt, noise, vibration and lighting during construction;

iv) delivery, demolition and construction working hours, which shall be restricted to 08.00-18.00 Mondays to Fridays and 08.00 -13.00 on Saturdays with no works permitted on Sundays and Bank Holidays;

v) advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The approved Demolition Method Statement and Construction Management Plan shall be adhered to throughout the construction period for the development.

9) No development shall take place, including any works of demolition, until a scheme for temporary fencing and/or enclosure of the site, including details of a painted timber site hoarding, has been submitted to and approved in writing by the local planning authority, and the temporary fencing and/or

enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings, unless consent has been obtained from the local planning authority.

10) No development shall take place, including any works of demolition, until an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution has been submitted to and approved in writing by the local planning authority. The AQDMP shall be in accordance with the Council's AQDMP Templates 'B' and 'D' and shall include the following details:

i) Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries.

ii) Demolition Site and Equipment Layout Plan.

iii) Inventory and timetable of dust generating activities during demolition and construction site activities.

iv) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM_{10} (human health) impacts for sensitive receptors off-site of the development within 250m of the site boundaries during the demolition and construction phases and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition' SPG July 2014 and its subsequent amendments.

v) Site Specific Dust and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site, in table format.

vi) Site Dust Monitoring Procedures and Protocols including photographic confirmation of installed solid hoarding (minimum height of 2.5m) around the perimeter of the site and a minimum of 4 x Dust Deposition monitors on the site boundaries to be used to prevent dust levels exceeding pre-determined Site Dust Action Level (SDAL) as included in paragraph 4.41 of IAQM guidance 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018.

vii) The Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx and PM_{10} emission criteria of NRMM (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.

viii) The use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 and Euro VI.

Developers shall ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM_{10}, $PM_{2.5}$) and NOx emissions at all times. The details in the approved ADQMP shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

11) No development shall take place, including any works of demolition, until a Revised Energy Statement has been submitted to and approved in writing by the local planning authority. The Revised Energy Statement shall include details of energy efficiency and low/zero carbon technologies and confirm that CO_2 emissions will be reduced in line with the targets in Policies SI2 and SI4 of the London Plan 2021.

No part of the development shall be used or occupied until it has been carried out in accordance with the approved details. The development shall thereafter be permanently retained in this form.

During demolition/construction

12) The ground around the existing tree to the Gayford Road frontage shall not be covered in building materials or spoil associated with the demolition and construction phases. All excavation within the root protection area of the tree shall be carried out by hand and under direct supervision of an arboriculturist.

Should the tree be damaged to the extent it requires removal, or die within 2 years of the development's completion, details of a replacement tree, including the tree species and size, shall be submitted to and approved in writing by the local planning authority. The approved replacement tree shall be planted at the start of the next planting season.

13) The development hereby permitted shall implement the water efficiency measures as outlined in the approved Sustainability Statement by MESH, Ref 22-0224, dated 31 July 2022, to limit internal water use in the residential units to no more than 105 litres per person per day, and shall also integrate water efficiency measures in the non-residential use. The development shall also use sustainable building materials and products (as assessed by the BRE Green Guide) as outlined in the approved Sustainability Statement.

Before piling takes place

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

Before work above ground commences

15) No work above ground shall take place until a revised Flood Risk Assessment and Sustainable Drainage (SuDS) Strategy has been submitted to and approved in writing by the local planning authority. The SuDS Strategy shall include details of:

i) structural water-proofing measures for the basement;

ii) a pumped device on the sewer connection;

iii) the design, location and attenuation capabilities of the proposed SuDS measures including rainwater harvesting (including feasibility of providing blue roof water storage), green roofs (including depth of substrate, attenuation capacity), permeable paving, attenuation tank, and landscaping, together with details of how these measures reduce surface water discharges from the site to greenfield rates; and

iv) a maintenance plan for all SuDS measures.

The measures in the SuDS Strategy shall be implemented in accordance with the approved details and shall thereafter be permanently retained and maintained in accordance with the approved maintenance plan.

16) Notwithstanding condition 2, no work above ground shall take place until details in plan, section and elevation, at a scale not less than 1:20, have been submitted to and approved in writing by the local planning authority, showing the following:

i) typical bay for both Gayford Road and Wendell Mews elevations, including entrances, fenestration, roofs, boundary treatment and the relationship with Westbrick House and 7 Gayford Road;

ii) rooftop plant and associated enclosures; and

iii) Photovoltaic (PV) panels.

No part of the development shall be used or occupied until it has been carried out in accordance with the approved details, and it shall thereafter be retained in that form.

17) Notwithstanding condition 2, no work above ground shall take place until revised plans have been submitted to and approved in writing by the local planning authority. The revised plans shall demonstrate how the area of each of the roof terraces at first and third floor level (serving Flats A, C and F) will be no larger than $15m^2$. No part of the development shall be used or occupied until the roof terraces have been completed in accordance with the approved plans.

18) Notwithstanding condition 2, no work above ground shall take place until details including palette and sample panel of all materials to be used on the external faces of the building and boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

19) Notwithstanding condition 2, no work above ground shall take place until details of safe, secure and accessible cycle parking/storage and associated facilities have been submitted to and approved in writing by the local planning authority. The details shall include:

i) long and short stay cycle parking/storage for both the residential and commercial uses;

ii) parking/storage for non-standard and all-ability cycles;

iii) facilities to enable nursery staff to cycle, such as lockers, showers, changing rooms and maintenance provision; and

iv) adequate space in the nursery to store prams, buggies and scooters.

The cycle parking/storage and associated facilities shall be designed in accordance with the relevant cycle design guidance. No part of the development shall be used or occupied until the approved facilities have been provided. The approved cycle parking/storage and associated facilities shall thereafter be permanently retained for their approved use.

20) Notwithstanding condition 2, no work above ground shall take place until details of refuse/recycling storage for both the domestic and commercial uses have been submitted to and approved in writing by the local planning authority. No part of the development shall be used or occupied until it has been carried out in accordance with the approved details. The approved refuse/recycling storage shall thereafter be permanently retained for that use.

21) Notwithstanding condition 2, no work above ground shall take place until details of the soft landscape works, and associated maintenance plan, have been submitted to and approved in writing by the local planning authority. The soft landscaping details shall:

   i) demonstrate the achievement of the Urban Greening Factor (UGF) targeting 0.4 and no less than 0.3;

   ii) include confirmation that all green roof planting will consist of 100% native seed mixes; and

   iii) include confirmation of the provision of 50% native species associated with all other planting.

   All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall thereafter be maintained in accordance with the approved maintenance plan. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

22) Notwithstanding condition 2, no work above ground shall take place until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the local planning authority. No part of the development shall be used or occupied until the works have been carried out in accordance with the details in the approved statement, and they shall thereafter be retained in that form.

23) No work above ground shall take place until details have been submitted to and approved in writing by the local planning authority of the sound insulation of the floor/ceiling/walls separating different types of rooms/uses in adjoining dwellings. The details shall demonstrate that the sound insulation values DnT,w and L'nT,w are enhanced by at least 5dB above the Building Regulations value. No part of the development shall be used or occupied until the approved works have been carried out in accordance with the approved details, and they shall thereafter be retained in that form.

24) No work above ground shall take place until details have been submitted to and approved in writing by the local planning authority of the sound insulation of the floor/ceiling/ walls separating the commercial parts of the development from the dwellings. The details shall demonstrate that the sound insulation

value DnT,w is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/noise sensitive premises. No part of the development shall be used or occupied until the approved works have been carried out in accordance with the approved details, and they shall thereafter be retained in that form.

25) No work above ground shall take place until details have been submitted to and approved in writing by the local planning authority of the external sound level emitted from plant/machinery/equipment with appropriate noise mitigation measures. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. No part of the development shall be used or occupied until the approved details have been implemented.

A post-installation noise assessment using the same methodology shall be carried out six months after occupation and additional steps to mitigate noise shall be taken as necessary to achieve compliance with the sound criteria. The post-insulation noise assessment shall be submitted to and approved in writing by the local planning authority. The approved noise mitigation measures shall thereafter be permanently retained.

26) No work above ground shall take place until details of anti-vibration measures have been submitted to and approved in writing by the local planning authority. The anti-vibration measures shall ensure that machinery, plant/equipment, extract/ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. No part of the development shall be used or occupied until the works have been carried out in accordance with the approved details, and the anti-vibration measures shall thereafter be permanently retained.

27) No work above ground shall take place until details have been submitted to and approved in writing by the local planning authority of the installation, operation, and maintenance of any odour abatement equipment and extract system. The details shall include the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document February 2018. No part of the development shall be used or occupied until the works have been carried out in accordance with the approved details, and the odour abatement equipment and extract system shall thereafter be permanently retained and maintained.

28) No work above ground shall take place until a Ventilation Strategy to mitigate the impact of existing poor air quality for occupiers of the seven flats (Use Class C3) has been submitted to and approved in writing by the local planning authority. The Ventilation Strategy shall apply to all residential floors where Hammersmith & Fulham Council's 2030 Annual Mean Air Quality Targets for Nitrogen Dioxide (NO_2) - 20ug/m-3, Particulate (PM_{10}) -20ug/m-3 and Particulate ($PM_{2.5}$) - 10 ug/m-3 are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The Ventilation Strategy shall include the following information:

i) Details and locations of the ventilation intake locations on the rear elevations of all residential use floors.

ii) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake.

iii) Details of the independently tested mechanical ventilation system to be installed. This shall include Nitrogen Dioxide (NO_2) and Particulate Matter ($PM_{2.5}$, PM_{10}) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides and Particulate Matter ($PM_{2.5}$, PM_{10}) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

iv) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (bedrooms, living rooms, study) on all residential floors.

The Ventilation Strategy shall be designed to prevent summer overheating and minimise energy usage. The Ventilation Strategy shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved and the whole ventilation system shall thereafter be permanently retained and maintained. The maintenance and cleaning of the ventilation system shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the development.

Pre-occupation

29) A minimum of one month prior to first occupation of the development hereby permitted, a post-installation compliance report of the approved Ventilation Strategy required by condition 29 shall be submitted to and approved in writing by the local planning authority. The compliance report shall be produced by an accredited Chartered Building Surveyor (MRICS).

30) A minimum of one month prior to first occupation of the development hereby permitted, details of the commissioning/installation of the Zero Emission MCS certified Air Source Heat Pumps or Electric boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first occupation or use of the development and the heating equipment (or replacement Zero Emission MCS certified equipment equivalent to the approved details) shall be retained and maintained thereafter.

31) A minimum of one month prior to first occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the Nursery Use (Class E) to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first occupation or use of the nursery and the AFDs shall be retained and maintained thereafter.

32) A minimum of one month prior to first occupation of the nursery hereby permitted an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the local planning authority. The ULES shall provide for:

    i) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy (1) Walking Freight Trolley (2) Cargo bike (3) Electric Vehicle.

    ii) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle.

    iii) Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries e.g. carrier agnostic parcel locker, concierge, Cargo bike bays.

    iv) Reduction and consolidation of deliveries and collections e.g. Waste

    v) Re-timing of deliveries and collections outside of peak traffic time periods, which are between the following hours: 07.00-10.00 and 15.00-19.00.

    The approved ULES shall be implemented in full prior to first occupation of the nursery and shall thereafter operate for as long as the use continue.

    The ULES shall be monitored and reviewed on an annual basis over 3 years following final occupation of the nursery through the submission of annual monitoring reports to the local planning authority. Any subsequent modifications or alterations to the ULES shall be submitted to and approved in writing by the local planning authority, and the ULES shall thereafter operate in accordance with those approved details.

33) Prior to first occupation of the dwellings hereby permitted, the noise mitigation measures identified in the Acoustic Report (Ref: 24320.240308.L1 Rev.C), dated 19th March 2024, shall be implemented and thereafter retained. Noise from commercial uses and activities within the building/development shall not exceed the noise levels in Tables 3 and 4 of the Acoustic Report at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

34) Prior to occupation of the development hereby permitted a Waste Management Strategy for the Wendell Mews residential use shall be submitted to and approved in writing by the local planning authority. The Waste Management Strategy shall be implemented thereafter permanently operated in full accordance with the approved details.

35) The terrace serving Flat G at second floor level hereby approved shall not be occupied until a privacy screen has been installed along the eastern boundary with Westbrick House. The privacy screen shall have a minimum height of 1.7m above the finished floor level of the terrace. The privacy screen shall thereafter be permanently retained as approved.

Post-occupation

36) The residential units hereby approved shall be used as a single dwellinghouses falling within Use Class C3 and for no other purpose (including any purpose in Class C4 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).

37) The nursery floorspace at basement and ground floor level hereby permitted shall be used for purposes within Use Class E(f) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).

38) The nursery use hereby permitted shall only operate between the following hours: 0730-1900 Mondays to Fridays, and not at any time on Saturdays, Sundays or on Bank or Public Holidays.

39) The number of children attending the premises in connection with the operation of the nursery use hereby permitted shall not exceed 72 at any one time.

40) Use of the nursery courtyard/external play area hereby permitted shall only take place between the following hours: 0930-1700 Mondays to Fridays, and not at any time on Saturdays, Sundays or on Bank or Public Holidays.

41) The number of children using the nursery courtyard/external play area during the hours of use permitted under condition 41 shall not exceed 30 at any one time.

42) The extent of the terraces shall not exceed that indicated on the approved drawings, including those approved under condition 36, and the terraces shall not be subsequently enlarged without the express consent of the local planning authority. No other part of any roof of the building hereby approved shall be used as a roof terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

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

44) No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting not shown on the approved drawings.

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

End of schedule