
Ward: Hammersmith Broadway

Site Address:

West London Magistrates Court 181 Talgarth Road London W6 8DN



Proposed Development, Ground Floor



Reg. No:
2019/00915/FUL

Case Officer:
Peter Wilson

Date Valid:
03.04.2020

Conservation Area:

Committee Date:
21.07.2019

Applicant:
Dominvs Project Company 9 Limited
C/o Agent

Description:
Comprehensive redevelopment and erection of two buildings comprising hotel use (Use Class C1) with ancillary facilities; ancillary plant; servicing; cycle parking; creation of a public realm; wider landscaping improvements and enabling works.

Application Type:
Full Detailed Planning Application

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

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

Application form received: 2nd April 2020
Drawing Nos: See Condition 2 below

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:
Greater London Authority - Planning Decisions Unit	09.06.20
Historic England London Region	22.04.20
Transport For London - Land Use Planning Team	17.04.20
Thames Water - Development Control	16.04.20
Environment Agency - Planning Liaison	27.04.20
Historic England London Region	22.05.20
Thames Water - Development Control	07.05.20

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Officer Recommendation:

1) Subject to there being no contrary direction from the Mayor for London 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.

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.

1. Time Limit

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

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

2. Approved Drawings

The development shall be carried out and completed in accordance with the following approved drawing numbers:

RSHP-0010-P-XX Rev P00, RSHP-0015-P-XX Rev P00, RSHP-0020-P-XX Rev P00, RSHP-0022-P-XX Rev P00, RSHP-0025-P-XX Rev P00, RSHP-0026-P-XX Rev P00, RSHP-1000-P-00 Rev P00, RSHP-1010-P-0M Rev P00, RSHP-1010-P-01 Rev P00, RSHP-1020-P-02 Rev P00, RSHP-1030-P-03, Rev P00, RSHP-1040-P-04 Rev P00, RSHP-1050-P-05 Rev P00, RSHP-1060-P-06 Rev P00, RSHP-1070-P-07 Rev P00, RSHP-1080-P-08 Rev P00, RSHP-1090-P-09 Rev P00, RSHP-1100-P-10 Rev P00, RSHP-1110-P-11 Rev P00, RSHP-1120-P-12 Rev P00, RSHP-1130-P-13 Rev P00, RSHP-1140-P-14 Rev P00, RSHP-1150-P-15 Rev P00, RSHP-1160-P-16 Rev P00, RSHP-1170-P-17 Rev P00, RSHP-1180-P-18 Rev P00, RSHP-1190-P-19 Rev P00, RSHP-1200-P-20 Rev P00, RSHP-1210-P-21 Rev P00, RSHP-1220-P-RF Rev P00, RSHP-2000-E-N Rev P00, RSHP-2001-E-E Rev P00, RSHP-2002-E-S Rev P00, RSHP-2003-E-W Rev P00, RSHP-3000-E-N Rev P00, RSHP-3001-E-E Rev P00, RSHP-3002-E-S Rev P00, RSHP-3003-E-W Rev P00, RSHP-3010-E-W Rev P00, RSHP-4000-S-AA Rev P00, RSHP-4001-S-BB Rev P00.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2016) and Policies DC1, DC2, DC3, DC7 and DC8 of the Local Plan (2018).

3. Community Liaison Group

No development shall commence until the establishment of a Community Liaison Group, to be maintained for the duration of the construction works hereby approved, having the purpose of:

- (i) informing nearby residents and businesses of the building programme and progress of demolition and construction works for the development;
- (ii) informing nearby residents and businesses of appropriate mitigation measures being undertaken as part of each phase of the development;
- (iii) informing nearby residents and businesses of considerate methods of working such as working hours and site traffic;
- (iv) providing advanced notice of exceptional hours of work, if and when appropriate;
- (v) providing nearby residents and businesses with an initial contact for information relating to the works and procedures for receiving/responding to comments or complaints regarding the development with the view of resolving any concerns that might arise;
- (vi) providing telephone contacts for nearby residents and businesses 24 hours daily throughout the works for the development; and
- (vii) producing a leaflet prior to the commencement of the development for distribution to nearby residents and businesses, identifying progress of the development and which shall include an invitation to register an interest in the Liaison Group.

The terms of reference for the Community Liaison Group shall be submitted to the Council for approval prior to commencement of any works on site. The Community Liaison Group shall meet at least once every quarter until completion of the development.

To ensure satisfactory communication with residents, businesses, and local stakeholders throughout the construction of the development, in accordance with the Policies CC10, CC11, CC12, CC13, DC2, and T7 of the Local Plan (2018).

4. Hoardings

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

To ensure a satisfactory external appearance and to prevent harm to surrounding residential occupiers, the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan (2016), Policies DC1, DC8 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

5. Infrastructure Protection – London Underground

Prior to the commencement of the development hereby permitted a detailed design and method statement (in consultation with London Underground) for the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground which:

- provide details on all structures;
- provide details on the use of tall plant/scaffolding;
- demonstrate that there will at no time be any potential security risk to the railway, property or structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof;
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

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

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan (2016) Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

6. Phasing/Programme

Prior to commencement of each Phase of the Development, a programme of works for that Phase shall be submitted to and approved in writing by the Council. The details shall include a complete programme for the delivery of each respective Phase, in accordance with the provisions and the assessment carried out in the Environmental Statement and Draft Construction Management Plan hereby approved or any subsequent amendments approved by the Council. The works in each Phase shall be carried out in accordance with the approved programme.

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

7. Construction Management Plan

Prior to commencement of the development hereby permitted a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a detailed plan showing phasing; relevant foundations, basement and ground floor structures, or for any other structures below

ground level, including piling (temporary and permanent), contractors' method statements, waste classification and disposal procedures and locations, location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking, details of storage and any skips, oil and chemical storage, membership of the Considerate Contractors Scheme, delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall include for each phase of works the use of on -road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI; provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway. The works shall be carried out in accordance with the relevant approved CMP unless otherwise agreed in writing with the Local Planning Authority. 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, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

8. Construction Logistics Plan

Prior to commencement of the development hereby permitted a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The method statement /construction management plan should include the details for all the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The development shall be carried out in accordance with the relevant approved Construction Logistics Management Plan unless otherwise agreed in writing with the Local Planning Authority.

Each Construction Logistics Plan shall cover the following minimum requirements:

- Site logistics and operations;
- Construction vehicle routing;
- Contact details for site managers and details of management lines of reporting;
- Detailed plan showing phasing;
- Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- Storage of any skips, oil and chemical storage etc.; and
- Access and egress points;
- Membership of the Considerate Contractors Scheme.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of residents and the area generally in accordance with Policies 6.11 and 6.12 of the London Plan (2016) and T1, T6 and T7 of the Local Plan (2018).

9. Archaeology (GLAAS)

Prior to commencement of the development a Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF, Policy 7.8 of the London Plan (2016), Policies DC1, DC8 of the Local Plan (2018) and key principles within the Planning Guidance Supplementary Planning Document (2018).

10. Contamination: Preliminary Risk Assessment

No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

11. Contamination: Site Investigation Scheme

No development shall commence within the development 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 and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

12. Contamination: Quantitative Risk Assessment Report

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 site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

13. Contamination: Remediation Method Statement

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 and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

14. Contamination: Verification Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in

writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the 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 included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

15. Contamination: Onward Long-Term Monitoring Methodology

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development (except Enabling Works) 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 may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

16. Piling Method Statement

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

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies 5.14 and 5.15 of the London Plan (2016), Policies CC3 CC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

17. Air Quality Dust Management Plan

Prior to the commencement of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of MCERTS compliant monitoring of Particulates (PM₁₀) used to prevent levels exceeding predetermined PM₁₀ threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016) and Policy CC10 of the Local Plan (2018).

18. Combustion Plant

Prior to the first occupation of each Hotel, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area
- b) Details of emissions certificates, and the results of NO_x emissions testing of each CHP unit, Ultra Low NO_x gas boiler and Emergency Diesel Generator Plant to demonstrate that all the CHP Plant, Ultra Low NO_x Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO_x

emissions standard of 25 mg/Nm³ (at 5% O₂), 30 mg/kWh (at 0% O₂) and 95 mg/Nm³ (at 5% O₂) respectively by an accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO_x abatement Equipment or technology as determined by a specialist to ensure comparable emissions.

c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan (2018).

19. Ventilation Strategy

Prior to completion of the above ground core structure works in the development hereby permitted, a Ventilation Strategy report in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Ventilation Strategy report should include the following information:

- a) Details and locations of the air intake locations at rear roof level of the buildings.
- b) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces;
- c) If a part (a) is not implemented 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 elevations 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

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016) and Policy CC10 of the Local Plan (2018).

20. Ventilation Strategy

Prior to occupation of each hotel hereby permitted, details of a post installation report of the approved ventilation strategy under Condition 29 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.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016) and Policy CC10 of the Local Plan (2018).

21. Ultra-Low Emissions Strategy

Prior to occupation of each hotel hereby permitted, a Ultra Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan (2018).

22. Open Space Green Infrastructure

Prior to the occupation of each hotel hereby permitted, details of the construction of green infrastructure (including details of planting species and maintenance) in order to mitigate air pollution for public and private amenity areas on the site boundaries with Talgarth Road (A4) shall be submitted to and approved in writing by the Local Planning Authority. The green infrastructure shall be constructed and planted in full accordance with the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan (2018).

23. Flood Risk Assessment

The Flood Risk Assessment (JBA Consulting Final Report Version 3.0 April 2020) shall be implemented in accordance with the approved details, and thereafter all approved measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan (2016), Policies CC3 and CC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

24. Revised Drainage Strategy

Prior to commencement of the development hereby permitted a revised drainage strategy detailing any on and/or off-site drainage works, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Details shall be implemented in accordance with the approved details and thereafter permanently retained in this form.

To ensure that sufficient drainage capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community in accordance with Policy 5.13 of the London Plan (2016) and Policy CC3 and CC5 of the Local Plan (2018).

25. Revised Sustainable Drainage Strategy

Prior to commencement of the development a revised Sustainable Drainage Strategy (SuDS), identifying further details of how surface water would be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the design, location and attenuation capabilities of the proposed sustainable drainage measures such as permeable surfaces, including green and blue roofs. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided, with the aim of achieving greenfield rates for final discharges. Where feasible, rainwater harvesting should also be integrated to collect rainwater for re-use in the site. The Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016); and Policy CC3 of the Local Plan (2018).

26. Blue and /Green Roofs

Prior to commencement of relevant works, details of all blue and green roofs within the development; including the identification of further opportunities for these roofs, including details of types of roofs and a planting maintenance plan shall be submitted to and

approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure the provision of blue/green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies 5.11, 5.13 and 7.19 of the London Plan (2016) and Policy OS5 and CC4 of the Local Plan (2018).

27. Non- return valve

Prior to the occupation of the basement hereby approved, a non- return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new units from flooding, as recommended by Thames Water and in accordance with Policy CC4 of the Local Plan (2018).

28. Sustainability

Within 6 months of occupation or any use of each Hotel, a BREEAM (2011) certificate confirming that the buildings achieve an 'Excellent' BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016) and Policies CC1, CC2 of the Local Plan (2018).

29. Revised Energy Strategy

Prior to commencement of the development a revised Energy Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The revised strategy shall include details of energy efficiency and low/zero carbon technologies and confirm that CO2 emissions would be reduced in line with the London Plan targets. No part of the development shall be used or occupied until it has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016), and Policy CC1 of the Local Plan (2018).

30. Thames Water: Waste Network

The development shall not be occupied until confirmation has been submitted to and approved in writing by Local Planning Authority in consultation with Thames Water, that either:

- All combined water network upgrades required to accommodate the additional flows from the development have been completed; or
- An infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is

agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Condition required by Thames Water as the development may lead to the requirement of sewage flooding and network reinforcement works, anticipated necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development and to avoid sewer flooding and/or potential pollution incidents, in accordance with Policy 5.13 of the London Plan (2016).

31. Thames Water: Water Network

The development shall not be occupied until confirmation has been submitted to and approved in writing by Local Planning Authority in consultation with Thames Water, that either:

- All water network upgrades required to accommodate the additional flows from the development have been completed; or
- An infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Condition required by Thames Water as the development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policy 5.13 of the London Plan (2016).

32. Background Noise Levels

Prior to the installation of any plant within/on each building, details of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate for that building, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment would be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of each building and thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

33. Emergency Generators

Prior to first operational use of each Hotel, details shall be submitted to and approved in writing by the Local Planning Authority to confirm that sound emitted by standby or emergency generators, during power outages or testing does not exceed the lowest

daytime ambient noise level LAeq (15min) as measured or calculated according to BS4142:2014.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

34. Anti- vibration mounts and silencing of machinery

Prior to first operational use of each Hotel, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment and extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

35. Sound Insulation

Prior to completion of the above ground core structures, details shall be submitted to and approved in writing by the Local Planning Authority, of sound insulation of the building envelopes and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details for that Phase shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

36. Extraction and Odour Control

Prior to occupation of each Hotel, details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use of the relevant kitchen and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

37. Acoustic Lobbies

Prior to first operational of each Hotel, details of acoustic lobbies to entrances and exits, which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. The hotels shall not be used or occupied until the acoustic lobbies have been constructed in accordance with the approved details, and the acoustic lobbies shall thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

38. Hours of Use

Any outdoor seating areas within the ground floor public realm and the roof top terrace shall only be used between 06:30 hours and 23:00 hours daily.

To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of the development and neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy CC11 and CC13 of the Local Plan (2018) and guidance within the Planning Guidance Supplementary Planning Document (2018).

39. Flat roof areas

There shall be no access to the flat roof areas (excluding the roof top terrace identified on the approved plans) provided by the development hereby approved, except for maintenance purposes, and no part of the flat roof areas provided by the development shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the building does not harm the amenities of the existing neighbouring residential properties as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC2, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

40. Plant, machinery or equipment

No plant, machinery or equipment shall be mounted externally on any part of the buildings outside of the designated plant areas identified on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

41. Music

Neither music nor amplified voices emitted from the development shall be audible at any residential/noise sensitive premises. Neither music nor amplified loud voices emitted

from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

42. Lighting

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

To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, and to ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 5.11, 7.1, 7.3, 7.6 and 7.13 of the London Plan (2016) and Policies DC1, DC8, CC12, OS1 and OS2 of the Local Plan (2018).

43. Lights off

Prior to the first occupation of each Hotel, a scheme for the control and operation of the proposed lighting during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant floorspace and operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with Policy CC12 of the Local Plan (2018).

44. Materials

Prior to the commencement of the relevant works thereby affected, details of particulars and samples (where appropriate) of all the materials to be used in all external faces and roofs of the buildings; including details of the colour, composition and texture of the brick, stone and metal work; details of all surface windows (in a manner that will take into account the privacy and amenity of residential premises overlooked by the development); balustrades to roof terraces; roof top plant and general plant screening; entrances and ground floor glazing, including window opening and glazing styles and all external hard surfaces including paving, planters and seating shall be submitted to and approved in writing by Local Planning Authority. External material sample panels, including samples of brickwork, stonework, concrete, pointing style, mortar colour and mix shall be erected on site for the inspection by Local Planning Authority's

Conservation Officer and written approval by Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policies DC1, DC2, and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

45. Sample Panels

Prior to the commencement of the relevant works thereby affected, sample panels for both hotels, detailing brick colour, bond, pointing style, mortar colour, stone cladding and curtain walling shall be produced for on-site inspection by Council Officers, along with the submission to the Local Planning Authority of samples of these materials, for subsequent approval in writing. The development shall not be used until works have been carried out in accordance with the submitted material samples and sample panel, and the development shall thereafter be permanently retained and maintained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policies DC1, DC2, and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

46. 1:20 Details – Buildings

Prior to completion of the above ground core structures, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of each of the approved buildings shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed façade and cladding treatment, fenestration (including framing and glazing details), balustrades (including roof terrace), entrances, ground floor restaurants and canopies (including glazing details). The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policies DC1, DC2, and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

47. 1:20 Details – Boundaries

Prior to the commencement of the public realm surface works, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of boundary walls, fences, railings and gates shall be submitted and approved in writing by the Local Planning

Authority and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan 2016 and Policies DC1, DC2 and DC8 of the Local Plan (2018).

48. 1:20 Roof Top Plant Enclosures

Prior to completion of the above ground core structures, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of the rooftop plant enclosures shall be submitted to and approved in writing by the Local Planning Authority. No part of the relevant hotel shall be used or occupied until the enclosures have been constructed in accordance with the approved details, and the enclosures shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan and Policies DC1, DC2 and DC8 of the Local Plan (2018).

49. Secure by Design

Prior to completion of the above ground core structures, a statement of how 'Secure by Design' requirements are to be adequately achieved shall be 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 Local Planning Authority'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 Policies DC1, DC2 and DC8 of the Local Plan (2018).

50. Self-Closing Doors

Prior to first occupation of each hotel building, all external doors shall be fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

To ensure that the amenity of occupiers of the development site and surrounding properties are not adversely affected by noise /odour /smoke /fumes, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

51. Protection of Existing Trees

The development hereby permitted shall not commence until all the existing trees in the proximity of the development to be retained, have been protected from damage in accordance with BS5837:2012 during construction works.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

52. Landscaping & Public Realm

Prior to commencement of the public realm hereby permitted (excluding site clearance), details of the proposed soft and hard landscaping of all areas external to the hotel buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but are not limited to: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, pedestrian surfaces, wayfinding, disabled drop off areas, loading bays, pedestrian crossings means of pedestrian/cyclist conflict resolution, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

53. Temporary Landscaping Scheme

Prior to commencement of Phase 1, details of a temporary soft and hard landscaping scheme for all areas within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but is not limited to: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, pedestrian surfaces, wayfinding, disabled drop off areas, loading bays, pedestrian crossings means of pedestrian/cyclist conflict resolution, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people, and any proposed boundary treatments. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be retained in this form until the commencement of Phase 2.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

54. Replacement Landscaping

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

To ensure a satisfactory external appearance and biodiversity in accordance with policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

55. Landscape Management Plan

Prior to the commencement of the public realm works, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all of the landscaped areas in the development including the green walls. This shall include details of management responsibilities and maintenance schedules for all landscape areas. The landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development provides an attractive natural and visual environment in accordance with Policies 7.1 and 7.6 of the London Plan (2016), and Policies DC1, DC8, OS2 and OS5 of the Local Plan (2018).

56. Television Interference

Details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding site clearance) hereby permitted. The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of The London Plan (2016) and Policies DC2 and DC10 of the Local Plan (2018).

57. Airwaves Interference Study

Prior to commencement of development (excluding site clearance) the following details shall be submitted to and approved in writing by the Local Planning Authority:

- (i) The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and of required and;
- (ii) The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the Construction Works identified by the Base-Line Study.

Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policy 7.13 of the London Plan (2016), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

58. Permitted Development Rights - Telecommunications

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

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with in accordance with Policies 7.6 and 7.8 of the London Plan (2016), and Policies DC1 and DC8 of the Local Plan (2018).

59. Hotel Signage Strategy

Prior to the first occupation of each Hotel, an occupier Signage Strategy for the buildings including details of wayfinding and signage proposed around and on each of the buildings shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to signage shall be carried out in accordance with the approved details.

To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1 and DC8 of the Local Plan 2018.

60. Window Cleaning Equipment

Prior to the occupation of each Hotel, details of the proposed window cleaning equipment for each building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. Each building shall not be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

61. Blue Badge Parking

No Hotel hereby approved shall be used or occupied until the provision of 4 blue badge parking spaces have been provided in accordance with the approved plans. The accessible parking spaces shall be permanently retained for the life of the development for use by disabled staff and visitors.

To ensure the satisfactory provision and retention of disabled car parking facilities, in accordance with Policy 7.2 of the London Plan (2016) and Policy E3, T1 and T5 of the Local Plan (2018).

62. Cycle Parking

No Hotel hereby approved shall be used or occupied until the provision of cycle parking spaces have been provided in accordance with the approved plans and made available

to visitors and staff, and such cycle storage/parking facilities shall be permanently retained thereafter in accordance with the approved details.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with policy 6.9 and 6.13 of The London Plan (2016) and Policy T3 of the Local Plan (2018).

63. Cycle Management Plan

Prior to first occupation of each Hotel, a Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall include details of access to cycle parking and how any potential conflicts with vehicles would be resolved or managed. The development shall not be operated otherwise than in accordance with the Cycle Parking Management Plan as approved and shall thereafter be permanently retained in this form.

To ensure an appropriate level, mix and location of cycle parking is achieved for the development and that management arrangements are in place to control its allocation and use in accordance with Policies 5.2, 5.18, 5.19, 5.21, 6.3, 7.14 and 7.15 of the London Plan (2016), Policies CC1, CC2, CC6, CC7, CC9, CC10, CC11, CC12, CC13, T1 and T6 of the Local Plan (2018) and SPD Transport Policies of the Planning Guidance Supplementary Planning Document (2018).

64. Electric Vehicle Charging Point

Prior to first occupation of the development hereby permitted, details of the installation including location and type of active electric vehicle charging points within the car parking area must be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points should comprise at least 2 of the total number of car parking spaces provided on site and shall be active electric vehicle charging points; the remaining number of the total number of car parking spaces provided on site shall be passive. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development. The uptake of the active electric vehicle charging points would be regularly monitored via the Travel Plan and if required additional charging points should be installed in place of the passive provision to meet demand.

To encourage sustainable travel in accordance with policies 5.8, 6.13 and 7.2 of the London Plan (2016), Policies T1, T2 and T4 of the Local Plan (2018).

65. Delivery and Servicing Plan

Prior to first occupation of the Development, a Delivery and Servicing Plan (DSP) including vehicle tracking where required, shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of each hotel. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses in the relevant part of the site.

To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises

is not adversely affected by noise, in accordance with Policy 6.11 of the London Plan (2016) and Policies T2, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

66. Refuse

Prior to the first occupation of each Hotel, the refuse storage enclosures, including provision for the storage of recyclable materials shall be provided as indicated on the approved drawings. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.17 of the London Plan (2016) and Policies CC6 and CC7 of the Local Plan (2018) and SPD Key Principle WM1 (2018).

67. Waste Management Strategy

Prior to the first occupation of each Hotel hereby permitted, a Waste Management Strategy shall be submitted and approved in writing by the Local Planning Authority. Details shall include information related to each refuse storage (and provision for the storage of recyclable materials) facilities, show how recycling would be maximised and be incorporated into the facilities of the development. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site. The approved details shall be implemented prior to the occupation of each Hotel development and shall thereafter be permanently retained.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.17 of the London Plan (2016) and Policies CC6 and CC7 of the Local Plan 2018 and SPD Key Principles WM1 to WM11 (2018).

68. Hotel - Wheelchair Standards

A minimum of 10% of the South Hotel bedrooms and 15% of the North Hotel bedrooms hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation. This arrangement shall thereafter be permanently retained.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with policies 3.8 and 7.2 of the London Plan (2016), and Policy DC1 and HO6 of the Local Plan (2018).

69. Inclusive Access Management Plan

No part of the development hereby approved shall be occupied or used until an Inclusive Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out a strategy for ongoing consultation with specific interest groups with regard to accessibility of the relevant part of the site. On-

going consultation shall then be carried out in accordance with the approved IAMP. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy 7.2 of the London Plan (2016) and Policy E3 of the Local Plan (2018).

70. Level Threshold

The ground floor entrance doors to the development and integral lift/stair cores shall not be less than 1-metre-wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2016), and Policy DC1 and HO6 of the Local Plan (2018).

71. Lifts

Prior to first occupation of each Hotel, details of fire rated lifts including details of the loading lifts to the basement levels shall be submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover, to ensure no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies 3.8 and 7.2 of the London Plan (2016), and Policy DC1 and HO6 of the Local Plan (2018).

72. Hotel Use

The hotel use shall be used solely for the purposes of a hotel only and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

In granting this permission, the Council has had regard to the particular circumstances of the case. The Council wishes to have an opportunity to consider such circumstances at that time, and to ensure the uses are compatible with the adjoining land uses and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with Policies CF3, DC1, DC2, DC7, DC8, E1, HO11, T1, T2, TLC3, TLC5, CC10, CC11, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

73. Hotel Bedrooms

The Class C1 (hotel) use hereby approved shall be capped at a maximum 842 bedrooms.

In granting this permission, the Council has had regard to the particular circumstances of the case. The increase in the number of bedrooms could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

74. Micro Climate

Prior to commencement (excluding Enabling Works and Phase 1), details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Council. Approved details for each Phase shall be implemented, and permanently retained thereafter.

Reason: To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with Policies 7.6 and 7.7 of the London Plan.

75. Ecological Management Plan

Prior to practical completion of the development, an Ecological Management Plan shall be submitted to and approved in writing by the Council. The EMP shall comprise a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years.

To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy 7.19 of the London Plan and Policies CC2, DC1, DC8, OS2, OS4 and OS5 of the Local Plan 2018.

In relation to Condition 3 an informative to be attached:

The applicant is advised of the need to proactively engage with local community groups with regard to the requirements of Condition 3. The terms of reference to be submitted should set out that the Community Liaison Group will include the applicant and/or their representatives and how and when that engagement will take place including possible alternative arrangements. Further, the applicant should engage with the Community Liaison Group to:

- Brief the Group on the details to be submitted by Conditions 4-9, 17-19, 24, 28, 34,36-39, 44-46, 48, 49, 54, 59, 61 and 67-9 as hereby approved;
- The details submitted in relation to the conditions listed as hereby approved should include a summary of this engagement and response to the Community Liaison Group.

REASONS

1) Land Use: The principle of the proposed hotel led development is considered to be appropriate in land use terms and would help to promote the vitality and viability of Hammersmith Regeneration Area and regenerate this part of Hammersmith town centre. The loss of former magistrates' court is considered acceptable under Policy CF2 of the Local Plan. The new hotel development together with, meeting rooms, public realm, ancillary restaurants and roof top gallery use are considered to be an appropriate use for this town centre location, which is highly accessible by public transport. The proposal is therefore supported in land use terms and is considered to be in accordance with the NPPF, London Plan Policies 2.1, 4.1, 4.2, 4.5 and 4.6, Draft London Plan Policies E1, E2 and E10, and Local Plan Policies HRA, E1, E2, E3, E4, CF1 and CF2.

2) Local Economy and Employment: The proposal would continue to provide significant employment opportunities both in the borough and London generally. The development would generate construction related full time equivalent (FTE) jobs over the build period and jobs once the development is complete and operational. The development would provide modern and upgraded floorspace and deliver wider benefits by way of increasing local expenditure through increased employment levels, additional visitors through the visit, cultural and leisure uses proposed, and job and job opportunities for residents and companies. The employment and training initiatives secured through the S106 agreement would bring significant benefits to the local area while a local procurement initiative will be entered into by way of the legal agreement to provide support for businesses. Furthermore, contributions through the community use for borough residents would have a positive effect on the borough. The development is therefore in accordance with Policies 3.1 and 4.12 of the London Plan and policies E1, and E4 of the Local Plan (2018).

3) Design and Heritage: It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with good quality good, hotel and commercial accommodation. The proposal remains in line with both national guidance and strategic and local policies on tall buildings and design considerations. The proposal for a taller building complies with Local plan policies in that it respects the existing townscape context, demonstrates tangible urban design benefits and is consistent with the Council's wider regeneration objectives, and in doing so is sensitive to the setting of heritage assets. Officers consider that in design terms, the proposed elevations of the two hotel buildings have been refined and provide an architectural character which provides interest across the frontages. The development would connect the site with the surrounding townscape and the relationship between the proposed built form and new public realm would assist in the creation of a sense of place in the town centre. It is not considered that the stepped increases in height would negatively impact surrounding heritage assets. While less than substantial harm has been identified to The Mall and Barons Court Conservation Areas, this is acceptable and outweighed by the public benefits that the scheme delivers as identified. It is considered that this is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6, 7.8 and 7.9 Policies H04, DC1, DC2 and DC8 of the Local Plan (2018).

4) Transport: It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for blue badge car parking and cycle parking. External impacts of the development would be controlled by conditions and section 106 provisions, related to blue badge parking, cycle and refuse storage, construction logistics plans while the monitoring of the Travel Plans is secured by legal agreement and is a Network Management Plan with regard to non-local use of residential streets nearby. Subject to the agreement of this and a hotel management plan secured through the S106 agreement, the development would not generate congestion or disturbance as a deliveries and servicing, coach and drop off/pick up parking. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is excellent, and the site is well served by public transport. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, of the London Plan (2016), Policy, CC6, CC7, T1, T2, T3, T4, T5 and T7 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

5) Impact on Neighbouring Properties: On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. There would be no significant worsening of noise/disturbance and overlooking, no unacceptable loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7, 7.14 and 7.15 of the London Plan 2016; Policies DC1, DC2, DC8, CC10, CC11, CC12, CC13 and OS5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

6) Sustainability and Energy: The proposed development has been designed to meet the highest standards of sustainable design and construction. The application proposes a number of measures to reduce CO2 emissions to exceed London Plan targets, a revised Energy Strategy is secured by condition to ensure the highest levels of savings. The proposal would achieve an 'excellent' BREEAM rating and delivering this is secured by condition. The proposal would incorporate green roofs and a revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development therefore accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan 2016, Policies DC1, DC2, DC8, CC2, CC1, CC3, CC10, FRA, SFRA1 and OS5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

7) Air Quality: There will be an impact on local air quality because of the construction and operation of the proposed development. However, inclusion of conditions prior to the commencement of above ground works for each phase of the development are included to mitigate the development. During construction an Air Quality Dust Management Plan for construction works is required by condition which will mitigate the air quality impacts of the development. The proposed operation of the development will have an air quality impact, however these can be suitably mitigated by siting and design and using appropriate NOx emissions abatement technology to ensure the CHP in the energy centre and other associated plant comply with the strictest emission standards possible; all of which are secured by way of condition. The proposed development

therefore accords with London Plan Policy 7.14 and Policy CC10 of the Local Plan (2018).

8) Safety and Access: Condition would ensure the development provides level access, a lift to all levels, suitable circulation space, 10% of hotel rooms to be wheelchair accessible, dedicated parking spaces for wheelchair users and an Inclusive Accessibility Management Plan. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy 7.2 of the London Plan 2016, Policies DC2 and HO6 of the Local Plan 2018 and Key Principles DA1, DA22 and DA3 of the Planning Guidance SPD 2018.

9) Flood Risk: The site is located in Flood Zone 2/3. A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices in order to ensure the risk of flooding at the site remains low, however mitigation measures are required to be submitted and approved by condition. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system. The development would therefore be acceptable in accordance with the Policy 5.21 of the London Plan 2016, Policy CC2, CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

10) Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policy 5.21 of the London Plan, and Policies CC9 and CC11 of the Local Plan (2018).

11) Archaeology: The site is located close to an Archaeological Priority Area and may have surviving archaeological remains. A condition will secure the implementation of a programme of archaeological work by way of a watching brief throughout relevant construction times. The proposed development therefore accords with Policy 7.8 of the London Plan, and DC1 of the Local Plan.

12) Microclimate: The development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings or surrounding properties. Conditions are secured to provide additional mitigation measures through the materials and landscaping. The proposal is considered to comply with Policies 7.6 and 7.7 of the London Plan and Policies DC3 and CC2 of the Local Plan (2018).

13) Environmental Impact Assessment: The Environmental Statement, and the subsequent Environmental Statement Addendum and the various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

14) Objections: Whilst a large 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. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of Terms for the Section 106 Agreement set out in this committee report, which are considered to provide an

adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant planning policies whilst providing the mitigation measures and environmental improvements needed to address the likely significant adverse impacts of the development.

15) 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.

16) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to the provision of economic development initiatives, including local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan and Policy CF1 of the Local Plan 2018

1.0 BACKGROUND

1.1. The Site

- 1.2. The proposed development relates to the former Hammersmith ('West London') Magistrates Court site. The application site ('the site') is located at the edge of Hammersmith town centre and lies to the south of Talgarth Road and the Hammersmith flyover (A4).
- 1.3. The site is an irregular shape, approximately 0.67 hectare in area. The site is occupied by a former Ministry of Justice, Magistrates' Court building. The magistrates court is a purpose built 1990's, part two/part three storey, red brick/metal clad roof building. There is a secure car park area to the rear. Vehicle and pedestrian access is via the (A4) Talgarth Road slip road. The site is vacant (since the summer 2018), following closure of magistrates' court.
- 1.4. The surrounding townscape is a mix of styles and form. Comprises a residential setting to the south and a predominantly commercial character to the north. The site sits within a 'commercial island' block isolated by existing road and rail networks. Bound to the north by Talgarth Road and the eastern section of the elevated section of the A4 (Hammersmith flyover) and the Novotel Hotel beyond. There are low-rise residential properties and an 18 storey tower (Linacre Court) to the north beyond the A4. To the south, the site is bound by the Piccadilly and District open London Underground tracks, running between Barons Court and Hammersmith Broadway stations. Beyond the railway lines, the scale of the built form reduces considerably, next to the rear boundaries and gardens of the terraced properties in Yeldham Road. Margravine Gardens and other surrounding residential streets view the site to the south, comprising low rise properties (typically 2-3 storeys). To the west, the site boundary is lined by several mature trees and adjoins the flank wall of a two-storey office/community building, known as the Lilla Huset Centre and the 'Ark', a large 10 storey office building. To the east, there is a petrol station and beyond is the London Academy of Music and Dramatic Arts complex (LAMDA).
- 1.5. Hammersmith Broadway is located approximately 450m to the north-west of the site, on the opposite side of the A4 and includes a key transport interchange underground station (District and Piccadilly lines) and bus interchange and approximately 5 minutes' walk from the Hammersmith and City/Circle line services. The Hammersmith Broadway Shopping Centre is a large indoor shopping centre and a perimeter block of offices surrounded by the Hammersmith gyratory system.

1.6. Designations

- 1.7. The site has no specific site designation in the development plan, however, is situated within Hammersmith Town Centre and the Hammersmith Regeneration Area (HRA). Located within the Environment Agency's Flood Risk 2/3. The site is not situated in a designated area of archaeological importance. There is however, an Archaeological Priority Area located close by to the west. The mature trees present along the west boundary of the site are the subject of a Tree Preservation Order (TPO's). There is a Thames Water relief storm sewer which runs through the middle of the site.

Heritage

- 1.8. The Hammersmith Magistrates Court building is not listed or locally listed, and the site does not fall within a conservation area. However, there are a number of heritage assets in the wider area including several conservation areas nearby. The Barons Court Conservation Area is to the east; the Hammersmith Odeon Conservation Area is to the west, and further west is The Mall Conservation Area. Both the 'Eventim Apollo' (former Hammersmith Odeon) theatre venue and St. Paul's Church located to the west of the site are Grade II* listed buildings. The Barons Court Underground Station to the east and 17 St. Dunstan's Road to the south are Grade II listed buildings. Margravine Cemetery forms part of the Barons Court Conservation area and is designated as a Nature Conservation Area of Grade I Broughton wide Importance. The 16.5 acres of cemetery land contains a number of distinctive monuments, three of which are listed buildings. At a greater distance is the Mall Conservation Area and Hammersmith Bridge, a Grade II* listed building. The 'Ark' office building is on the borough's Local Register of Buildings of Merit and is widely regarded as a local landmark.

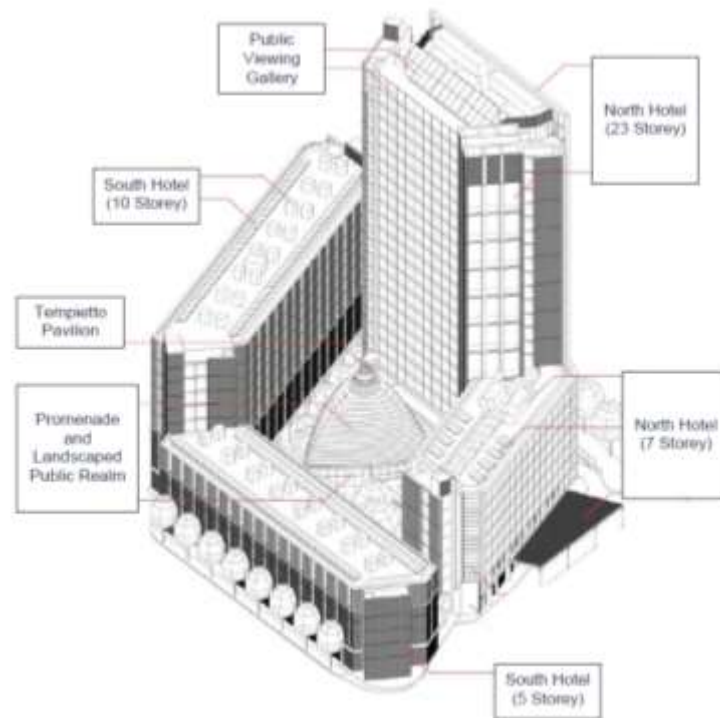
Transport

- 1.9. The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a/6b (excellent) on a scale of zero to 6b. The site is almost equal distance (approximately 300m) between Barons Court underground station and Hammersmith underground/bus stations.
- 1.10. Vehicular access is via Talgarth Road. The main pedestrian access point is via a segregated footpath into the site on the southern side of Talgarth Road. There are signalised pedestrian crossings located to the west of the site underneath the Hammersmith flyover, providing connections across the gyratory road system to Hammersmith underground/bus stations to the north and the rest of Hammersmith town centre. Part of Talgarth Road forms part of the Transport for London Road Network (TLRN).
- 1.11. **Planning History**
- 1.12. There is no significant planning history for the site, with the most relevant considered to be:
- 1.13. 1988/01940/GOV - The Magistrates Court building was granted permission in May 1989 following an application submitted under Circular 18/84 for the erection of a part two part three storey building for use as a Magistrates Court.
- 1.14. 2019/00195/FUL – Application pending a decision for the redevelopment and erection of two buildings, ranging from 6 to 22 storeys and incorporating a basement level; comprising hotel uses (Use Class C1) with ancillary restaurants, roof top bar, conferencing facilities, office use (Use Class B1(a)); ancillary roof top plant; servicing; cycle parking; creation of a new garden square; wider landscaping improvements and enabling works. (Environmental Impact Assessment development).

- 1.15. 2020/00151/DEM – Application as to whether prior approval is required under Class B Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of the West London Magistrates Court 181 Talgarth Road London W6 8DN.
- 1.16. 2018/03820/SCOEIA - An Environmental Impact Assessment (EIA) request for a Scoping Opinion, pursuant to Regulation 15 of the Town and Country Planning (EIA) Regulations 2017 was submitted in November 2018 in relation to the 'Demolition of the existing building on site and the construction of two buildings ranging in height from 30 metres to 70 metres in height for hotel use (Use Class C1), providing approximately 850 hotel rooms, with ancillary food and beverage units, event space and affordable workspace (Use Class B1). The proposals also include two levels of basement, cycle parking and public open space.' Decision dated 21st December 2018
- 1.17. 2020/00378/SCOEIA - Environmental Impact Assessment (EIA) request for a Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (EIA) Regulations 2017 was submitted 29th January 2020 for the demolition of the existing building on site and the construction of two buildings ranging in height from 30 metres to 70 metres in height for hotel use (Use Class C1), providing approximately 850 hotel rooms, with ancillary food and beverage . The proposals also include on-site servicing, car parking, cycle parking, taxi drop off and public open space. The scope of the Environmental Statement (ES) was agreed with by the Council in its decision dated 2nd April 2020.
- 1.18. **Mayoral Referral**
- 1.19. Under the terms of the Town & Country Planning (Mayor of London) Order 2008, the Greater London Authority has been notified as the application is within the thresholds of potential strategic importance to London.
- 1.20. The Mayor of London formally considered the proposal on 8th June 2020 and issued a Stage 1 report, a summary of which is set out within the Consultations section of this report. Should planning permission be granted, this application would be referred to the Mayor of London prior to the issue of any decision notice. The Mayor has a period of 14 days from the date of notification to consider the council's resolution before issuing a decision as to the call-in of the application for the Mayor to act as the local planning authority, or to allow the application to proceed.

2.0 PROPOSAL

- 2.1. The proposed development consists of the redevelopment of the site by way of two new Class C1 hotels totalling 842 bedrooms with ancillary facilities, servicing, cycle parking, public realm, and landscaping. The proposal has a total floor area of 34,916sqm GEA.



- 2.2. The hotels consist of two separate buildings; a North Hotel and a South Hotel.
- 2.3. The North Hotel is a part 23, part 7 storey building onto Talgarth Road providing 442 beds with ancillary restaurants and bar, rooftop viewing platform on the 21st floor, gym, meeting rooms, plan, servicing and cycle parking. Within this floorspace is a pavilion, known as a Tempietto, which features a domed biodiverse roof and is linked to the main hotel building housing a restaurant, providing access to the meeting rooms and a focal point to the public realm between the two hotels. The mezzanine level of the north hotel provides meeting rooms for public and hotel use which can also be accessed via the tempietto, the rest of the floorplate accommodates hotel back of house facilities. Two landscaped roof terraces are positioned between the tempietto and main wing of the hotels.
- 2.4. The South Hotel is a part 10, part 5 storey building providing 400 beds with ancillary restaurant, plant, serving and cycle parking. The roofs are utilised for air source heat pumps and PV panels with biodiverse green and blue roofs.
- 2.5. Within the northern edge of the North Hotel there is a double height vehicle drop off area set 11m back from the principal elevation. Westbound vehicles on Talgarth Road access this from the western end and exit at the eastern boundary to re-join westbound traffic. The main hotel reception is located at this point with a separate entrance for the public viewing gallery lifts set to the western elevation of the northern element of the North Hotel. Pedestrian access is through the north-western corner of the site between the divide of the North Hotel northern element and the South Hotel western element.
- 2.6. Servicing is provided by a dedicated access road from the north western boundary from Talgarth Road and running south along the western, southern and eastern boundaries before existing westbound onto Talgarth Road. Coach drop off spaces are located to the eastern boundary within the service road

area. Emergency and Fire tender vehicles will enter the site and drive around the service road to gain access to the fire cores of both buildings. There is also be a fire tender temporary parking position at the beginning of the pedestrian street, between the 2 hotels, integrated in the landscape providing further access to the fire cores. Four blue badge spaces are provided to the northern boundary within the drop off area.

2.7. The scheme has been revised in relation to the currently pending proposal on the site under reference 2019/00195, the proposed heights of the proposal are:

Table: Proposed heights 2020/00915

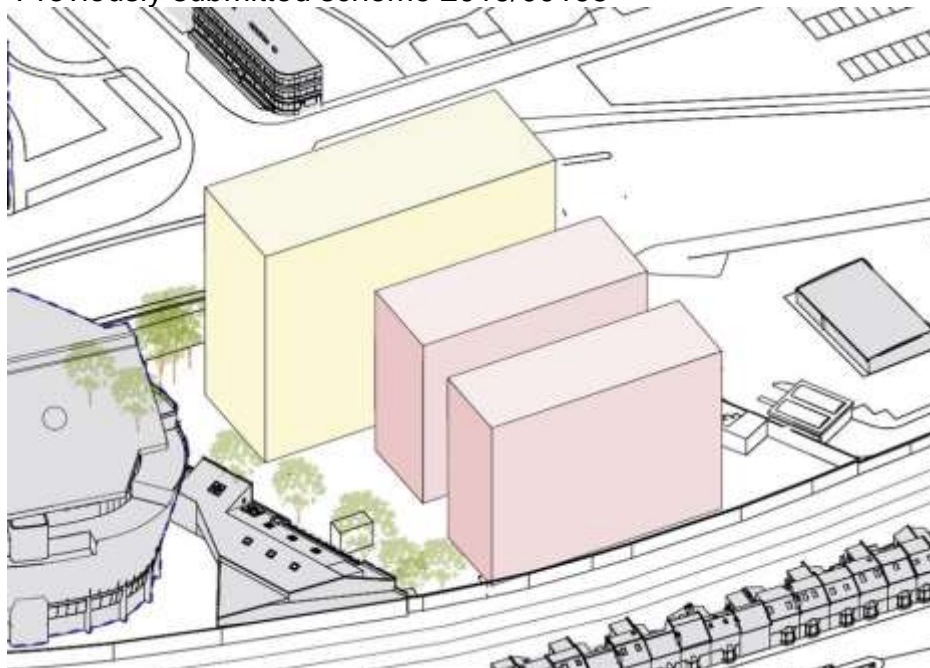
	Height AOD	Height in Storeys
North Hotel North	76m	23
North Hotel East	30.48m	7
South Hotel West	38.3m	10
South Hotel South	21.8m	5
Tempietto	28.2m	-

Table: Proposed heights 2019/00195

	Height (AOD)	Height in storeys
Hotel 1	69.85m	23
Hotel 2	49.9m	15
Hotel 2	41.7m	14
Hotel 2	24.7m	8
Hotel 2	19m	6

2.8. For reference, the adjoining Ark building has a total height of 65m with the Novotel Hotel opposite to the north of the A4 being 51m.

Previously submitted scheme 2019/00195



2.9. The massing of the proposal is weighted to the north of the site onto the A4, with South Hotel to the southern boundary to the railway line being 5 storeys in

height. This southern element is 44m from the northern elevation of the nearest residential properties to the south on Yeldham Road. The North Hotel northern element has a total separation of some 95m.

Demolition

2.10. As referenced in the Planning History section above, prior approval for the demolition of the site has already been applied for by the applicant and approved. As such this application relates solely to the construction and erection of the proposed buildings

2.11. Submitted Documents

2.12. In support of the planning application the applicant has submitted the following documents:

- Application Form and Certificates, prepared by DP9 Limited
- Community Infrastructure Levy Additional Information Form, prepared by DP9 Limited;
- Planning Statement, prepared by DP9;
- Design and Access Statement, prepared by RSHP;
- Existing drawings, prepared by RSHP;
- Demolition drawings, prepared by RSHP;
- Proposed drawings, prepared by RSHP;
- Air Quality Assessment, prepared by Hoare Lea;
- Construction Management Plan, prepared by McAleer & Rushe;
- Outline Construction Logistics Plan, prepared by Pell Frischmann;
- Hotel Need Assessment, prepared by PKF hotelexperts;
- Environmental Statement Volume 1 – Main Chapters, coordinated by Trium Consulting
- Environmental Statement Volume 2 – Technical Appendices, coordinated by Trium Consulting;
- Environmental Statement Non-Technical Summary, prepared by Trium Consulting;
- Flood Risk Assessment, incorporating Sustainable Urban Drainage Statement, prepared by JBA;
- Noise and Vibration Assessment, prepared by Hoare Lea;
- Site Vehicle and Service Management Plan, prepared by Pell Frischmann;
- Statement of Community Involvement, prepared by Dominvs Group;
- Energy and Sustainability Statement, prepared by Caldwell;
- BREEAM Pre-Assessment, prepared by BPP;
- Transport Assessment, prepared by Pell Frischmann;
- Framework Travel Plan, prepared by Pell Frischmann;
- Aboricultural Impact Assessment, prepared by Treeworks;
- Ventilation Statement, prepared by McAleer & Rushe; and
- Fire Statement, prepared by Hoare Lea.

2.13. Public Engagement

2.14. The applicant has submitted a Statement of Community Involvement.

- 2.15. A public exhibition was held at the Application Site (Hammersmith Magistrates Court) on Thursday 5th March, 4pm to 8pm and Saturday 7th March, 10am to 1pm. A leaflet-style invitation was professionally designed and distributed to 8,568 addresses surrounding the site, including both residential properties and businesses. A letter was sent out subsequent to the exhibition invitation to the same 8,658 addresses to offer further information on the application. The exhibition was attended by a total of 60 people. Of these, 15 left feedback with 7 positive, 2 positive with concerns and 6 negative. In addition to the public exhibition, engagement with the wider stakeholder groups was offered by the applicant and meetings were held with the Hammersmith Society, Margravine Gardens Residents Association and Friends of Margravine Cemetery. The applicant states that the comments received have helped to shape the scheme.
- 2.16. **Environmental Statement**
- 2.17. An The development falls within Part 10 (b) (Infrastructure Projects – Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017.
- 2.18. The threshold for developments under column 1 of Schedule 2, 10(b) are that:
- The development includes more than 1 hectare of urban development which is not dwelling house development; or
 - The development includes more than 150 dwellings; or
 - The overall area of the development exceeds 5 hectares.
- 2.19. The proposed development falls below the thresholds / criteria set out within this classification. The site area is 0.67 hectares and provides no dwellings. The applicant has considered the potential for likely significant environmental effects and has identified that some technical topics should be addressed through the EIA process. These relate to climate change; wind microclimate; daylight, sunlight, overshadowing and solar glare; townscape, heritage, and visual and effective interactions.
- 2.20. On this basis, the applicant elected to voluntarily undertake an EIA, and an Environmental Statement (ES) supports the application. The ES which accompanied the application was submitted in response to a Scoping Opinion issued by the Council on 2nd April 2020.
- 2.21. The ES comprises:
- Environmental Statement Volume 1: Main Environmental Statement
 - Environmental Statement Volume 2: Technical Appendices
 - Environmental Statement Non-Technical Summary
- 2.22. The ES informs readers of the nature of the proposed development and the likely environmental effects. It also presents the measures proposed to eliminate, reduce, or mitigate any likely significant adverse effects on the environment (referred to as ‘mitigation’ measures). The ES identifies environmental impacts and the effects during the demolition and construction phase, and on completion and occupation of the proposed development.

2.23. The 'scale' of the predicted effects have been classified according to the following scale. The definitions of the scale used follow either that set out below, or, as specified within the individual technical ES chapters:

- 'Negligible': Effects which are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error, these effects are unlikely to influence decision-making, irrespective of other effects;
- 'Minor': These effects may be raised as local issues and may be of relevance in the detailed design of the project, but are unlikely to be critical in the decision-making process;
- 'Moderate': These effects, if adverse, are likely to be important at a local scale and on their own could have a material influence on decision-making; and
- 'Major': These effects may represent key factors in the decision-making process. Potentially associated with sites and features of national importance or likely to be important considerations at a regional or district scale. Major effects may relate to resources or features which are unique and which, if lost, cannot be replaced, or relocated.

2.24. The definitions of the 'nature' of the resultant effect which are used throughout the ES are provided below:

- 'Adverse': Detrimental or negative effects to an environmental / socio-economic resource or receptor. The quality of the environment is diminished or harmed;
- 'Beneficial': Advantageous or positive effect to an environmental / socio-economic resource or receptor. The quality of the environment is enhanced; and
- 'Neutral': Where the quality of the environment is preserved or sustained or where there is an equal balance of benefit and harm.

2.25. Effects are also generally assigned a geographic extent (local, regional, or national) and duration (temporary or permanent). In addition, the ES identifies the potential for direct and indirect effects, interactions and cumulative effects.

Wind and Microclimate

Demolition and Construction:

2.26. Whilst there is the potential for an increase in the local windiness across the site, as a result of the demolition of the existing building on site, the works are unlikely to create conditions unsuitable for a working construction site or pedestrian thoroughfares surrounding the cleared area with hoarding in place. Wind conditions during the demolition and construction works of the Proposed Development, on-site would therefore represent a likely Negligible effect (not significant).

Completed Development:

2.27. The wind tunnel testing highlighted that, in the presence of the proposed landscaping scheme, as well as the following design mitigation measures, the Proposed Development would result in a comfortable wind environment suitable

for the uses proposed in each area on site. Provided the relevant mitigation is adopted, the Proposed Development will not result in any significant Wind Microclimate effects.

Daylight, Sunlight, Overshadowing and Solar Glare

Demolition and Construction:

- 2.28. The impacts of the construction of the Proposed Development will steadily increase as the buildings are built. It is therefore considered that the completed Proposed Development represents the worst case assessment in terms of likely daylight, sunlight overshadowing and solar glare. As such, the assessment focuses on the Proposed Development when completed and operational.

Completed Development

- 2.29. Daylight: Of the 57 properties assessed, there are 10 instances of minor adverse and no instances of moderate or major adverse effects which are all considered to be significant effects of reduced daylight availability. All other effects are negligible and therefore not significant.
- 2.30. Sunlight: A total of 408 rooms were assessed for sunlight, all of which will meet the relevant assessment criteria regarding sunlight hours. This means that all rooms considered to potentially be affected by the Proposed Development retained acceptable sunlight levels. The effect on sunlight to these properties was therefore considered to be Negligible (not significant). In regard to daylight and sunlight for the nearby properties which are considered sensitive, the Proposed Development will result in Negligible to Minor Adverse effects to the majority of properties.
- 2.31. Overshadowing: For overshadowing, the Proposed Development will result in one instance of Minor Adverse (significant) effect, at Communal gardens serving properties on Shortlands and Nazareth House Convent all other effects are Negligible and therefore not significant.
- 2.32. Solar Glare: An assessment was undertaken from signalised railways, road junctions and pedestrian crossings nearby which are considered sensitive in terms of solar glare and the reflections of the sun off the façades of the Proposed Development which has the potential to temporarily blind drivers. A total of 13 sensitive locations were tested comprising sensitive receptors in the surrounding area, a majority of which were roads and key junctions. The Proposed Development will result in four instances of Minor Adverse effects which are not considered to be significant. These viewpoints are located on the A4 road to the north of the site and on the Shortland Southbound Road where drivers are expected to be looking at traffic signals from both lanes. It is considered that no mitigating solutions are required owing to the very thin section of the façade from which solar reflections would appear; the short period of time within which reflections would occur; the provision of multiple traffic lights at these junctions; and the direct view of the sun in the sky should the building not be there.

Townscape, heritage and Visual Impact Assessment

- 2.33. All construction effects would be temporary. The effect of construction operations on perception/experience of heritage and townscape character will be reduced by the preparation and use of an effective Construction Environmental Management Plan including hoarding around the perimeter of the site. Given the preparation of an effective Construction Environmental Management Plan all demolition and construction related effects would be Negligible, Neutral.

Completed Development

- 2.34. The effects of the Proposed Development once fully completed and occupied in relation to townscape views, ranges from Moderate to Major Beneficial, and Negligible to Moderate Neutral. Moderate to Major Beneficial effects occur to 20 views including from the Upper Mall Open Space, Thames South Bank and from the Hammersmith Cemetery, Moderate Neutral effects occur to one view, Northern side of Brook Green near Caithness Road, the rest of the views experience Negligible to Minor Neutral effects. In relation to the changes to the character and appearance of Conservation Areas, the effects range from Major Beneficial, and Negligible to Moderate Neutral. Major Beneficial effects occur at Barons Court Conservation Area and The Mall Conservation Area, the Gunter Estate Conservation Area experiences a Moderate Neutral effect, with all final Conservation Areas experiencing Negligible to Minor Neutral effects.
- 2.35. Both listed, and locally listed buildings have been taken into consideration in the Townscape, Heritage and Visual assessment. Changes to the setting of listed and locally listed buildings range from Moderate to Major Beneficial, and Negligible to Moderate Neutral. All the listed buildings assessed will experience a significant Moderate or Major Beneficial or Neutral effect, except Baron's Court Underground Station and the Church of St Paul, Hammersmith which experience Negligible Neutral effects. All the locally listed buildings assessed will experience a significant Beneficial or Neutral Moderate or Major effects, except the Chapel and South Lodge in Hammersmith Cemetery which experience Negligible Neutral effects. It is concluded that the Proposed Development preserves the special architectural and historic interest of the listed buildings and conservation areas affected by the development, therefore complying with relevant planning policy.

Climate Change

Demolition and Construction

- 2.36. The EIA process has demonstrated that, during the demolition and construction works, likely significant adverse effects are limited to demolition and construction related daylight effects to properties at 73, 77, 79, 82, 87, 89, 93 Yeldham Road and Overshadowing to communal gardens serving properties on Shortlands and Nazareth House Convent.

Completed Development

- 2.37. The EIA process has demonstrated that, once the Proposed Development is fully complete and occupied, likely Significant Adverse Effects are limited to

daylight effects to properties at 73, 77, 79, 82, 87, 89, 93 Yeldham Road and Overshadowing to communal gardens serving properties on Shortlands and Nazareth House Convent. Once the Proposed Development is fully complete and occupied, likely Significant Neutral and Beneficial effects relate only to the Townscape, Heritage and Visual Assessment. Significant Neutral effects relate to changes in 1 townscape view assessed, 1 Conservation Area and the setting of 1 Listed Building. Significant Beneficial effects ranging from moderate to major in scale relate to changes in 20 townscape views assessed, 2 Conservation Areas and the setting of 8 Listed Buildings and 11 Locally Listed Buildings.

Cumulative Effects

- 2.38. A total of 12 cumulative schemes were considered. The cumulative effects of these schemes coming forward in conjunction with the Proposed Development were assessed for each of the technical topic areas presented above. The results of the cumulative effects assessment identify that no new likely significant environmental effects are expected from the combination of the cumulative schemes and the Proposed Development on the surrounding environment.

EIA Conclusion

- 2.39. The EIA process has demonstrated that once the Proposed Development is fully complete and occupied, likely Significant Adverse effects are limited to daylight and overshadowing. Significant Beneficial and Neutral effects relate to townscape views, conservation areas and heritage assets

3.0 PUBLICITY AND CONSULTATIONS

Consultation Responses

Greater London Authority (GLA)

- 3.1 The Mayor of London Stage 1 response is summarised below:
- 3.2 Land use principle: The proposed hotel uses and new community floorspace at this currently vacant site is supported in principle subject to the Council confirming that the site is not required to provide local social infrastructure.
- 3.3 Design and heritage: The design, layout, height and massing of the scheme is acceptable in strategic planning terms, and the response to local heritage assets is also acceptable. The Council should secure key details of facing materials.
- 3.4 Sustainable development: Further discussion is required in relation to the applicant's energy strategy, flood risk and drainage assessment and urban greening.
- 3.5 Transport: The applicant must resolve issues in respect of; trip generation, and public realm improvements on Talgarth Road. The Council must secure a construction logistics plan, a travel plan, a delivery and servicing plan, site

vehicle and service management plan and public realm improvements on Talgarth Road.

TfL

3.6 Further to the Stage 1, TfL submitted detailed comments summarised as follows:

- The proposed access arrangement has been discussed extensively with TfL at pre-application stage and is acceptable in principle. The number of vehicle movements associated with the development is not expected to have an adverse impact on the strategic road network.
- The Healthy Streets (HS) check carried out by the applicant concludes that the proposals increase the HS score from 46 to 81 points which is welcomed.
- Overall, the public realm proposals meet the requirements ITP London Plan Policy T2 Healthy Streets.
- The development will introduce a new footfall of people to the area travelling to access public transport and local amenities which will positively add to the evening and night time economy of Hammersmith town centre, however, streetscape improvements must be made to this area to account for the projected increase in trips by staff and visitors.
- It is encouraging to see that the applicant has suggested mitigation measures for improving this area for pedestrians by providing additional lighting, CCTV, benches and resting places to improve the sense of security. These improvements should be scoped out in detail through further consultation with LBHF and TfL. The works should be secured through a s.278 agreement with TfL as the highway authority for Talgarth Road.
- The site frontage proposals on Talgarth Road will extend on the footway of the TLRN and therefore any maintenance will fall onto TfL as the highway authority.
- It is suggested that the initial street tree planting size is reduced down to no larger than 20-25cm girth trees.
- The development proposes 45 long-stay and 36 short-stay parking spaces, which meets ITP London Plan Policy T5 quantum for hotel, restaurant and fitness facility use. 5% of the total spaces are designed for larger or adapted cycles which is in line with the London Cycle Design Standards (LCDS).
- The trip generation exercise results highlight that the proposed development results in a reduction in the number of vehicle trips, particularly taxi trips.
- The development is expected to give rise to a net increase of 5,640 daily two-way trips, of which more than 90% would be undertaken by sustainable modes. This meets the targets of the ITP London Plan and Policy 1 of the Mayor's Transport Strategy.
- A framework travel plan containing measures and targets that would support the sustainable travel objectives of the MTS and London Plan has been submitted, this is welcomed and the final travel should be secured as part of any permission in line with ITP London Plan Policy T4.
- A draft Site Vehicle and Service Management Plan (SVSMP) has been submitted which has been subject to consultation with TfL throughout the

pre-application process. Therefore, the scope of this document is acceptable and meets the aims of ITP London Plan Policy T7.

- The development is proposed to have no general parking with the exception of 4 blue badge spaces provided, which meets ITP London Plan Policy T6.4.
- The development meets Intend to Publish London Plan policies with regard to car parking, cycle parking and Healthy Streets. Further information is required regarding the Talgarth Road streetscape proposals and the impact of the development trips on the LU network. A LU station and line capacity assessment exercise should be completed for TfL to be able to fully understand the potential impact of the development from a strategic transport network perspective.

3.7 Historic England: Conclude that on the basis of the visuals provided the proposals would cause harm to the character and appearance of The Mall Conservation Area. While this harm is not substantial, it is material and the harm need to be clearly and convincingly justified and weighed against the public benefits associated with the scheme, in accordance with paragraphs 194 and 196 of the NPPF.

3.8 London Underground Infrastructure Protection: No response

3.9 Thames Water: No objection, however identify inability of the existing combined water infrastructure and water network infrastructure to accommodate the needs of the development. Conditions and informatives are recommended.

3.10 Historic England Archeology: The site is partially located within the Archaeological Priority Area of Hammersmith Creek, Queen Caroline Street and Broadway, area of potential for Saxon and medieval and post-medieval remains. There is no objection to the works subject to condition.

3.11 Environment Agency: No objection.

Design Review Panel – Observations

3.12 The Design Review Panel considered the proposal scheme at pre-application stage in February 2020. The following comments summarise the panel discussion:

- The panel recognised that the scheme would bring forward a similar quantum of development to the earlier scheme, (subject to a live planning application), and welcomed the fundamental review of the scheme design.
- The alternative massing strategy and layout of the scheme was supported by the panel. The alternative approach is considered to provide a more elegant and refined approach which reduces the overall impact upon the surrounding area in comparison to the earlier scheme; however further consideration of the relationship between the proposal and The Ark was suggested to open-up views to the existing building.
- The revised approach the massing of the proposal scheme offers an opportunity to create a gateway to Hammersmith Town Centre. In this regard, the panel advised of the need to celebrate architectural quality

rather than keeping approach simple. The detail of the architectural approach is critical ensure a high-quality scheme.

- Further review of the microclimatic and daylight/sunlight impacts of the scheme will be required moving forward.
- The quality and function of the internal public street and shared internal floorspace requires additional thought and consideration. The focus should be upon the short-term use of these areas rather than enabling future links to the adjacent petrol station site.

3.13 Officer comment: scheme design has been further reviewed since its presentation to the Design Review Panel, with additional refinements made to the massing strategy to in part review the relationship with the Ark and to provide further clarification upon the architectural approach to both hotels

Residents and Amenity Groups

3.14 The development has been advertised by means of a site notices posted around the site on 15th April 2020, press advert published 15th April and approximately 1017 individual notification letters sent to the occupiers of properties around the application site on 16th April 2020. The letters sent were to all residents who were previously notified and all of those who commented on the previous and currently pending application ref. 2019/00195. An extended period of 35 days, beyond the statutory period of 21 days, was allowed for comments to be received. A total of 152 responses have been received, including representations from local amenity groups. The contents of these representations are summarised below.

Support

3.15 1 representation has been received in support of the detailed application and 4 representations have been received which neither support or object. Comments are summarised below:

- The proposal is an improvement on the existing current site.
- The redevelopment of the site is supported.
- Support the mix of uses
- The proposal will increase hotel capacity in the area.
- There will be rooms which will provide a community function.
- Accessible to the public.
- Design improved from previous application.

Objection

3.16 147 objections received to date on the detailed application. These have been summarised below:

Traffic/Transport

- Access arrangements are confined to a one way approach which is likely to cause issues when traffic is looking to access the site from various approaches, especially the West.

- Concerns about the need for buses/cars/taxis/servicing vehicles to try and avoid traffic by re-routing through residential streets.
- Concerns related to staff parking in nearby local residential streets.
- Concerns about rat running in Local Residential areas of cars and taxis to avoid congestion on Talgarth Road.
- Cycle parking provided, but will it be safe

Design/ Heritage

- Impact on Margravine Cemetery
- Overlooking and loss of privacy in Margravine Cemetery
- Impact on Listed buildings with Margravine Cemetery
- Increased noise will impact on Cemetery
- Impact on Barons Court CA
- Impact on the Ark
- Impact on River Views
- Impact on Skyline – dominates skyline
- Impact on the Character of the area
- Design of the building is not in keeping with the area, and materials should be more appropriate
- Scale not in keeping with surrounding area
- Set a precedent for future development to match
- Northern element of proposal is too high
- Façade treatment lacks character and is bland
- What is the justification for the height
- Lacks Architectural merit
- Impact on outlook of residential properties
- Overshadowing of properties
- Sense of enclosure due to height
- Dwarfs the Ark
- Mix of architectural approach is inharmonious

Environmental Considerations

- Noise from additional traffic, especially in Local areas
- Noise from additional people in area, especially on match days
- Noise from the tube bouncing off existing buildings and now the addition of this development
- Noise from equipment used as part of hotel
- Pollution from additional cars and vehicles in area associated with building and local residential streets
- Light pollution and impact on residential properties

Other

- Viewing platform will lead to overlooking and loss of privacy in residential homes
- Lack of public amenity provided/ doesn't add anything meaningful to community
- Should have more local amenity and benefits

- Is there a need for another hotel given there are so many in close proximity
- Covid 19 – will there be demand for another hotel
- Cladding – is it fire safe
- Lack of proper green spaces being provided
- Not in line with Council's Industrial Strategy
- Wind impact
- Difficult to navigate documents
- Consultation with developer was not adequate
- Not in line with HTCM 2019.
- Location not suitable for hotel
- Site should be used for housing
- Impact on public services and public transport eg Tube stations
- Football fans/match days
- Economic impact of hotel on smaller businesses
- 24 hour access and impact of this
- Will meeting rooms be affordable for local residents
- Impact during construction and impact post construction
- Report for noise and vibrations did not undertake a wide enough analysis of impact

3.17 Margravine Gardens and St Dunstan's Road Residents' Association have commented as follows:

- Height/Overlooking – the height of the tallest block has actually increased from 22 to 23 storeys and will have no less of impact than the previous application. Concern over the viewing gallery and the issue of overlooking, and the height could be reduced.
- Traffic generation – concern that access to the site from the west/south will result in a significant potential increase in vehicles shortcutting residential streets including construction vehicles. U-turns aren't restricted on the East-bound carriageway of the Talgarth Road at the intersection with the North End Road but they are impractical as that is the only time when pedestrians are able to cross. For this application to proceed, there is going to need to be a closely monitored traffic management plan that protects local residents from increased traffic and the congestion and pollution that it will undoubtedly be brought to our quiet residential streets.
- Noise - Residents are worried about the potential added noise impact from the bounce-back off the development by the 24 hours tube trains travelling between Barons Court and Hammersmith – as they noticed followed the recent LAMDA development. It would appear that nothing in the plans presented will seek to actively absorb this added noise problem for residents.
- Some residents feared that in a post-pandemic world, there will undoubtedly be less demand for additional hotel beds in our community and, with three other hotels also in the planning stage, the risk remains that LBHF could be left with a huge 'white elephant' on its hands if this development is allowed to proceed in its current format.
- While LBHF's website states the Council's commitment to 'do things with residents, not to them', in this instance, some residents do not believe that their issues have been sufficiently heard.

- In terms of your decision-making on this application, we believe there is a clear case for refusal on planning grounds. We believe that our concerns show the negative impact of the development on the local area and that these significant concerns, from so many households, outweigh the economic benefits to the Borough.
- The residents strongly oppose this planning application and ask officers of the Planning and Development Control Committee to refuse it. However, in the event that the planning officers recommend approval of the application and the committee members approve it, the residents believe that the planning permission should be granted dependent upon certain enforceable conditions to protect their community:
- Residents are particularly concerned that any obligations on the developer should be clear and enforceable.
- A condition should create a Community Liaison Group (CLG): - There must be an obligation on the developer to submit to the CLG their plans for certain details of the project listed in all those conditions that impact on the residential neighbours and then to listen to the views of the CLG. The developer should then have to satisfy the LBHF planners that it has been reasonable in its response to any suggestions or objections from the CLG; the CLG should include representatives of the party undertaking the development and that party will be responsible for funding the activities of the CLG. The party undertaking the development will be obliged to listen to and respond to any views of the other members of the CLG and before any of the relevant conditions can be satisfied, satisfy LBHF as the Local Planning Authority that it has discussed the requirements of these conditions with the CLG and that it has been reasonable in its response to any suggestions or objections from the CLG.
- There will need to be conditions that protect the privacy and amenity of residents. The works need to be carried out in a manner that will protect the privacy and amenity of residential premises overlooked by the development. For example, conditions should not allow demolition/construction activity onsite or deliveries or collections of waste and recyclables prior to 0700 hrs or later than 2000 hrs Monday – Friday and with a shorter window at weekends and on public holidays.
- The construction of the hotel will mean that the shortest route (which will be shown on any Sat-Nav) for any traffic approaching the site from the West will be to proceed down the Fulham Palace Road, turn left into St Dunstan's Road, left into Margravine Gardens, left into Palliser Road and then left at the traffic lights onto the Talgarth Road. There need to be conditions that prevent this to avoid excess traffic, congestion, noise and pollution in these residential streets.

3.18 The Friends of Margravine Cemetery have commented as follows:

- Object to the application on the following grounds:
- Visual impact of the development given that it will loom over the cemetery, particularly its western half along the main drive from Margravine Road.

- Adverse effect of the development on the character and appearance of the Barons Court Conservation Area as its setting is affected by a sense of enclosure and overlooking.
- Adverse effect of the development on the setting of the Listed Buildings in the cemetery – the Lyons War Memorial, The Young Mausoleum and Abraham Smith Memorial.
- Design in terms of height of the tallest building that will be visually intrusive into our area, do not reflect their context and do not in our view make a positive contribution to the character or appearance of the conservation area.
- Adverse effect on the traffic in the conservation area of which the cemetery is part.
- We have seen the revised Townscape, Heritage and Visual Impact Statement and believe that the carefully chosen views in or near the cemetery do not fully represent the impact of the development on this green space in the Barons Court Conservation Area. Account needs to be taken of the seasonal difference in foliage, which from April to October may screen the development from the cemetery except at its west third, but with through the winter November to March will not.
- The views do show the development starkly in background of three grade II listed buildings, the Lyons War Memorial, Young Mausoleum and Abraham Smith memorial. Though The Ark can be seen in these views it is considerably lower and barely rises above the houses framing the cemetery in the foreground - in contrast to the tall block of the proposal.
- Comparing the impact of Charing Cross Hospital on Margravine Cemetery, this building is 75m is set back deep on its own larger site. The proposed development has its tallest north block at 76m. Our view is still that the development will have the same order of impact on the cemetery as the hospital without any of the many mitigating benefits that the hospital brings.
- In terms of the planning committee decision-making on this application in our view it still fails on planning grounds because of its impact on the Barons Court Conservation Area and the impact on the setting of the Grade II listed structures in the cemetery (but also the impact on Margravine Cemetery an open space in a part of the Borough that is very low on open spaces.
- We believe our concerns show the negative impact of the development on the designated heritage, non-designated heritage in the local area and its residents' amenity outweighs the economic benefits to the borough.
- We do not regard the design proposals as meeting the policies with respect to the impact on the Barons Court Conservation Area which includes Margravine Cemetery and its Grade II listed memorials.
- Traffic considerations will also badly impact on the entrances to the cemetery and on the conservation area of which the cemetery is very much a part.
- The effects of the pandemic have thrown into question the economics on which the development was based and the proposed number of hotel beds is to be questioned more than ever and their attendant need for so high a building.

3.19 The Hammersmith and Fulham Historic Buildings Group have commented as follows:

- The HBG is still concerned about this second application to redevelop the West London Magistrates Court.
- The scale of development reflects need to recover the investment, the major problem as we see it is that the amount invested in purchasing the site has upped the ante on the amount of development required such that a two large hotel development seems to be a given.
- Though it might be in the Hammersmith Regeneration Area (as defined in the borough's local plan) this site is on the south edge of that area. It has a number of constraints.
- the architects RSH with their new design work have done, and what we and others attending the meetings have been able to negotiate, are relatively small changes to scale and form of development.
- the new layout of the site in these present proposals is better, overall the impact on its built environment context has not greatly changed.
- HBG objections to the previous application in our letter of April 2019 are still in the most part applicable. We maintain our serious concerns that the tall element of the development will have a detrimental impact on the historic built environment of the area around, and that these impacts cumulatively outweigh all the defined benefits of the development as presented.
- Impact of the development on the setting of Grade II* listed St Pauls Church and the Grade II St Paul's Studios on the Talgarth Road, and listed buildings in the Barons Court Conservation Area, namely four of the six listed structures within the cemetery.
- Impact of the development on the character and appearance of the Barons Court Conservation Area will not preserve or enhance it. Its setting would be badly affected by visual intrusion of the 23 storey element development on the area's north-west streets south of the railway, causing (among other factors) overlooking, loss of privacy, overshadowing, night time noise (as well as reflecting the tube line noise) and light pollution; visual impact on Hammersmith Margravine Cemetery;
- Adverse effect of the development on the setting of the LBH&F Local Register of Buildings of Merit: The Ark and The Lila Huset; •William Morris School, St Dunstan's Road a tall Board School
- In a wider consideration of the proposals on Hammersmith Town Centre and its immediate neighbourhoods, we feel that the high density development of the site focussed on the tall north block will impact other parts of the town centre such as filling the skyline looking south on Shortlands, views from Linacre Court and along the A4 in both directions.
- The masterplan set out parameters for future development of this site with the BP service Station, and suggested the application site as mixed development rising to a maximum height of 62 metres but not exceeding the height of The Ark, so as not diminish its landmark status.
- the impact of Coronavirus on the future of tourism in London and on the vitality of Hammersmith Town Centre
- HBG believe that it would be very premature to approve the proposals in their current form as the 23 storey north block, though more articulate than the tall elements of the previous scheme, is too visually intrusive in the

Hammersmith town centre, resulting in negative impact on a number of designated and non-designated heritage assets.

3.20 The Hammersmith Society have commented as follows:

- The images included in the Assessment reveal the dominance of the building in the views from the residential areas on the south of the tube lines, and the stark isolation of its bulk in views from around the town centre. This isolation could offer a pretext for further tall developments to form a cluster alongside, and it is critical that statutorily enforceable planning policy is put in place to control development densities in this respect.
- In the view from Hammersmith Cemetery a dominant presence of the hotel profile invades the background to the war memorial, where the Townscape report commentary finds this, and other views sometimes revealing a brutal visual invasion into the view, to be ‘...beneficial...it announces the town centre – it signals on the skyline a different urban context beyond the enclave of the cemetery..’. And concerning a view offering a breathtaking juxtaposition with the Ark: ‘...in a far more direct and effective way than the Ark, the development will signal the entrance to Hammersmith town centre and create a striking landmark to assist in place-making and way-finding...’. These CGI views are invaluable, but discredited by the commentary: the character and environment of Hammersmith is its own marker, and the borough needs no monuments to announce its boundaries.
- The Talgarth Road frontage includes the ground floor set-back at the north hotel entrance, and the landscaped entry to the promenade, and these openings could provide the same qualities of refuge [as existing] - if landscaping and humanity is allowed to prevail over vehicle and tarmac.
- The distribution of the development massing on the site offers a reasonable response to the sensitivities of the site context. The major proportion of accommodation is contained in the tallest building, in a position as distant as possible from the residential areas of Yeldham Road and Biscay Road to the south. The building along the west boundary appears to rise to approximately 10 metres below the crown of the Ark curved roof, but further illustrative detail is needed to demonstrate this juxtaposition in street views.
- The application scheme is shown to offer the optimum massing layout, balancing the demands of the excessive development volume with the constraints and adjacencies of the site. The first illustration in the Design and Access Statement (page 2) presents a useful picture of the overall site composition, but offers an unappealing and unrealistic drone view of the project, which could mistakenly suggest a random array of cladding choices, difficult building junctions and unresolved mix of roof levels. We draw some reassurance from a crucial section of the Design and Access Statement (pages 17-21) which illustrates a site analysis with a range of massing options, which explain the origin of the application scheme. We were drawn to Option 1 in the Concept Development section, which reduces the massing to two elements, a slender tower and a block on the north boundary, bringing an appealing simplicity but unviable due to the impact on the residential areas to the south.

- On the south and west blocks, the warmer more textural cladding responds to both the smaller scale of the brick terraces south of the railway, and the contemporary brickwork of Lilla Huset house and the Ark.
- The contrasting bold elevation treatment of the north and east block needs further design explanation. Further design information is needed to explain the detail, the context and the scale of this critical part of the scheme – including any façade modifications necessary to respond to the differing solar exposure on the north, east and south elevations.
- The tempietto and the extensive landscaping provide a welcome relief from the corporate surroundings, some reassurance of human scale beside the 23 storey north block, and include a facility for the possible future pedestrian route from the petrol station site across the campus, as identified in the masterplan.
- The community deserve facilities on a site which formerly provided for a public service, but in the circumstances consideration might be given to a financial contribution in lieu for a community benefit elsewhere - such as re-turfing and maintaining Ravenscourt Park, the token outdoor amenity space so often cited in residential developments nearby.
- Any façade modifications required to modulate solar exposure should be included at planning application stage. The commitment to achieve BREEAM Excellent rating should be secured by planning condition. It would be fitting for LBHF to engage with the applicant in the context of the Council commitment to zero CO2 emissions from council buildings by 2030.
- The tempietto and the extensive landscaping provide a welcome distraction from the corporate surroundings, and include a facility for the possible future pedestrian route from the petrol station site across the campus, as identified in the masterplan; this should be secured by planning condition regarding access and legal title.
- The commitment to enhance and landscape the route to the tube station and town centre is noted, and occupation of the buildings should be conditional on implementation of this work.
- The Hammersmith Society with many others members of the community raised fundamental objections to the January 2019 application for this site, and the borough is fortunate that the Dominus Group, the applicant, has shown unusual public spirit by setting aside the first application and working closely with LBHF and a new design team to create a design more responsive to community concerns.
- We are supportive of the application design concept, but have identified the need for further work required to progress the proposals to a stage which describes the buildings sufficient for planning consideration. This might be managed either by deferring the planning decision until additional information is available, or by granting consent conditional on the subsequent approval of a more detailed and fully illustrated scheme design. We are dismayed that that the proposals still overload the site to the detriment of the surrounding residential areas, the nearby conservation areas and the borough townscape.

3.21 The Fulham Society have commented as follows:

- We are pleased that the Dominus Group, the applicant, has shown unusual public spirit by setting aside the first application and working

closely with LBHF and a new design team to create a design more responsive to community concerns.

- However we are still concerned that the proposals are still an over development of the site to the detriment of the surrounding residential areas, the nearby conservation areas and the borough townscape both of North Fulham and Hammersmith.
- We would be much happier if the whole development could be delayed pending the including the finalisation of the town centre SPG together with the completion and endorsement of the town centre masterplan

3.22 Andrew Slaughter MP

- Whilst I appreciate what has been done with regards to the redesign and the move of the tallest building to the most northern point of the site, the proposed development would be a significant imposition for residents. Despite the reduction in height, the building would still become the tallest in Hammersmith. The scale of this development and the proposed height of the tallest building, results in an oppressive structure. It is for this reason that the application should be refused and the developer invited to return with a more modest proposal.
- Given that the modification of the plans produced a relatively small reduction in height, it seems that much of the concern voiced by local residents in response to previous plans will not have been addressed. There is deep upset at the monolithic structure proposed for an area which would in turn reap little of the community benefit offered by such a development. I cannot see that the benefits offered and adjustment to the height of the building mitigate against the negatives of this development that appear to be keenly felt among many local residents, spanning a number of wards across the borough.
- It is not irrelevant to note that this development, and the loss of West London Magistrates Court, was initially sought on the basis that the borough would receive a large housing development with the associated affordable housing contribution. I have been contacted by a number of constituents, concerned that such a structure may be permitted and without meaningful community benefits to residents who will be heavily impacted by building that is far too big and not in keeping with the area in which it would be placed. The tower in particular is very concerning for residents who, far from consoled by the idea of a viewing platform, remain concerned that their privacy will be significantly affected. It is vital that residents do not suffer the consequences of a misconceived scheme to justify the cost of the site for the developer.
- Whilst I primarily object to the application on the grounds of scale, I am aware that many of my constituents have raised several other significant concerns, including issues of access, strain on transport and noise disturbance. It is entirely reasonable to raise concern that any vehicle accessing the site from the west will add significant traffic to Fulham Palace Road, and the smaller residential streets thereafter. It is not an easy site to access and with number of visitors the scheme can reasonably expect, this is a particularly troubling point.

4.0 PLANNING POLICY FRAMEWORK

- 4.1 As The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 4.2 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).
- 4.3 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). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- 4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2018 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 4.5 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.
- 4.6 The NPPF is aimed at safeguarding the environment while meeting the need for sustainable growth. It advises that the planning system should:
 - a) plan for prosperity by using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - b) plan for people (a social role) - use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
 - c) plan for places (an environmental role) - use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy. The NPPF also underlines the need for councils to work closely with communities and businesses and actively seek opportunities for sustainable growth to rebuild the economy; helping to deliver the homes, jobs, and infrastructure needed for a growing population whilst protecting the environment.

- 4.7 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 4.8 The new draft London Plan was published on 29 November 2017. The Plan's consultation ended on 2 March 2018. The Examination in Public (EiP) on the London Plan was held between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019. The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan. It is therefore considered that the new draft London Plan should be given limited weight at this stage in determining this application. In the interim, consideration shall be given to the London Plan (Consolidated with Further Alterations 2016).
- 4.9 With regards to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan, Local Plan 2018 and Planning Guidance Supplementary Planning Guidance (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

5.0 PLANNING ASSESSMENT

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

- 5.1 Principle of Development and Land Use
- 5.2 Socio Economics and Community Effects
- 5.3 Design and Heritage
- 5.4 Daylight, Sunlight, Solar Glare, Overlooking and Amenity
- 5.5 Highways
- 5.6 Sustainability and Energy
- 5.7 Flood Risk and Drainage
- 5.8 Ground Contamination
- 5.9 Air Quality
- 5.10 Noise and Vibration
- 5.11 Wind and Microclimate
- 5.12 Arboriculture, Ecology and Biodiversity

- 5.13 Security
- 5.14 Archaeology
- 5.15 Accessibility

5.1 Principal of Development and Land Use

- 5.1.1. **The NPPF 2018** states that applications should be considered in the context of a presumption in favour of sustainable development which meets social, economic and environmental needs and that development proposals which accord with the development plan should be approved without delay. **Paragraph 118** sets out that planning should encourage effective use of land by reusing land which has been previously developed and promotes and supports the development of underutilised land and buildings. The NPPF also promotes mixed-use development, and encourages patterns of growth which focus significant development in locations which are, or can be made, sustainable.
- 5.1.2. **Paragraph 80** of the NPPF states that the planning system should place significant weight on the need to support economic growth and productivity with **Paragraph 81** requiring planning policies to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.
- 5.1.3. **London Plan Policy 2.1** states that the Mayor and the GLA group will ensure that London retains and extends its global role as a sustainable centre for business, innovation, creativity, health, education and research, culture and art and as a place to live, visit and enjoy. **Policy 2.15 of the London Plan** seeks to sustain and enhance the vitality and viability of town centres through accommodating economic growth and supporting and enhancing the competitiveness, quality and diversity of town centre retail, leisure, employment and arts and cultural uses.
- 5.1.4. **London Plan Policy 3.16 and Draft London Plan Policy S1** seek to protect and enhance social infrastructure provision, including justice facilities. **Policy 3.16** of the London Plan states that proposals which result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is defined need in the locality should be assessed before alternative developments are considered. **Draft Policy S1** states in this regard that Development proposals that would result in a loss of social infrastructure in an area of defined need as identified in the borough's social infrastructure needs assessment should only be permitted where:
 - 1) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;
 - 2) the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services
- 5.1.5. And that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan

- 5.1.6. **London Plan Policy 4.5** and **draft London Plan Policy E10** state that it will be necessary to support the development of visitor accommodation close to major visitor attractions which are outside central London and the designated town centres and opportunity areas, where there is also a clear link in terms of scale, nature and location between the accommodation and the attraction(s) being served. **London Plan Policy 4.6** acknowledges the cultural, social and economic benefits these uses provide, to residents as well visitors. The policy recognises the important role of culture in place-shaping and encourages the expansion of the cultural offer beyond central London, and the benefits that providing a diverse range of leisure and cultural facilities, other than eating and drinking, can generate.
- 5.1.7. The site is located in the **Hammersmith Regeneration Area (Policy HRA)** and Town Centre. **Strategic Policy HRA** sets a target of delivering 2,800 homes and 10,000 indicative new jobs within the Hammersmith Regeneration Area and encourages the regeneration of the town centre and building upon the centre's major locational advantages for office and retail development. Policy HRA seeks to actively engage with residents in delivering benefits for the surrounding area; supports a wide range of retail, office, local government services, leisure, arts, entertainment, community facilities and housing; promotes the continuation of the town centre as a key strategic office location through provision of modernised office blocks; and supports proposals that extend Hammersmith's arts and leisure offer.
- 5.1.8. **Policy HRA** states that proposals within the regeneration area should respond positively to local character and history, taking opportunities to enhance heritage assets; improve pedestrian and cycle infrastructure; improve the range and quality of specialist shops and services; provide appropriate social, physical, environmental and transport infrastructure; secure economic benefits for the wider community through job opportunities and recruitment; and seek the creation of public spaces, architecture and public realm of the highest quality.
- 5.1.9. The application site is situated in the boundary of **Strategic Site Policy HRA2** (A4, Hammersmith Flyover, Hammersmith Gyratory and Adjoining land). This strategic policy is however relevant to development proposals coming forward following the release of land for development if the Hammersmith flyover and sections of the A4 are replaced with a tunnel. This policy is not specifically related to the application site and therefore of limited weight.
- 5.1.10. **Policy CF1 of the Local Plan** states that unless there is clear evidence that there is no longer an identified need for a particular facility or service, or where that facility or service can be appropriately replaced or provided elsewhere in the locality the existing use would be protected. **Policy CF2** requires new community uses to be compatible with and minimise impact on the local environment and be accessible and inclusive to all in the community and **Policy CF3** supports enhancement of arts, culture, entertainment, leisure, recreation and sport uses.
- 5.1.11. **Local Plan Policy E3** states that permission will be granted for new visitor accommodation and facilities. Outside of the town centres and White City and Earl's Court and West Kensington Opportunity Areas it is considered that small

scale hotels and visitor accommodation related to major visitor attractions of sub-regional or greater significance in accordance with the provisions of the London Plan.

Assessment

Existing Use

- 5.1.12. The closure of the Hammersmith Magistrates' Court was agreed by the Ministry of Justice in February 2017, following a public consultation and review process of its court provision in London by the HM Courts & Tribunals Service in 2016. The consultation concluded that the Hammersmith Magistrates' Court function was surplus to the MoJ's requirements and existing services would be consolidated into other existing court facilities nearby. As such the function itself was transferred elsewhere enabling the disposal of the land but without the loss of the use itself to the community. The applicant acquired the site in 2017 and the magistrates' function ceased in September 2017.
- 5.1.13. The former court building comprises approximately 6,361 sqm (GIA) floor space spread over the three floors. This is a purpose built building, designed specifically with judicial facilities and security in mind, with the main public facilities limited to the front part of the building at ground floor level and with secure car parking to the rear. In land use terms, the former magistrates court is described as Class D1 space. However, the nature of a magistrates' court is distinct from other forms of "social infrastructure" uses under a Class D1 classification. Following the closure of the court facilities, the building is vacant and unlikely to attract occupation for a similar use or alternative Class D1 use without significant major refurbishment and cost. The current building does not optimise the site's development potential and would be difficult to convert, as it is a deep building with areas of no direct daylight. The proposal seeks to replace the redundant, former use with a modern hotel led development. As set out below, a proposed hotel led development is supported in policy terms and would provide significant employment in the local area plus other forms of services and facilities for the community. The site features no housing and as such none would be lost from the proposal. The principle issue of the loss of the Magistrate's court and the case for consolidation has already been reviewed and agreed by the Ministry of Justice.
- 5.1.14. The proposed development provides a range of community benefits in response to the loss of the social infrastructure on site. However, it is noted that such a use as set out in the London Plan goes well beyond Class D1 and includes a range of services and facilities including: health provision, education, play, youth, recreation, sports, faith and emergency facilities. Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered. It is also noted that a magistrate's court, whilst social infrastructure, differs from the usual community uses within Class D1 and the benefits they bring. The proposed development would provide the following uses:
- Meeting rooms with free access for community uses – North Hotel
 - Roof top viewing deck – North Hotel
 - Hotel run gym with public memberships offered – North Hotel

- New public realm within the site – between North and South Hotel
- Public realm enhancements to Talgarth Road

5.1.15. Further details on the exact nature and operation of this space need to be agreed through a joint community agreement between the applicant and council and would be secured through the S106 agreement.

5.1.16. It is considered that the loss of the existing social infrastructure has been established through part of a wider public service transformation plan and that the existing building is not suitable for alternative social infrastructure purposes through its design and nature. The proposed development will also create community benefits through public realm, access and use for the community. It is considered that the loss of the existing use accords with London Plan Policy 3.16, Policy S1 of the Draft London Plan and Policy CF1 of the Local Plan

Proposed Use

5.1.17. London Plan policy supports the provision of visitor accommodation and states that such development is required to support major visitor attractions outside of central London, opportunity areas and town centres. The approach is further supported by local policy in relation to major visitor attractions of sub-regional or greater significance.

5.1.18. The hotel proposals would assist in meeting aspirations to regenerate the town centre of Hammersmith. The proposed development would provide visitor accommodation in the Hammersmith regeneration area and town centre, providing 842 bedrooms across two hotels. The development therefore assists London and its target for additional hotel bedrooms, in accordance with London Plan Policy 4.5. In addition, officers consider the proposed development would meet the criteria set out in Local Plan Policy E3. The site has excellent transport connections. The site is situated within 5 minutes' walk of Hammersmith underground station, a key interchange for the District, Piccadilly, Circle and Hammersmith and City lines and Barons Court station. Furthermore, there are a number of bus stops, the key bus station at the Broadway and cycle hire stands all in close proximity. Adequate off-street servicing and disabled parking would be provided and at least 10% of the hotel bedrooms are designed as wheelchair accessible.

5.1.19. A hotel needs assessment has been submitted with the application. Office space is a key driver of hotel demand and the borough has seen significant office renewal and redevelopment over the last decade with key future developments at the Civic Campus and Olympia in and around the town centre together with the investment by Westfield and Imperial College in the north of the borough alongside sites such as White City Place, a 65,000 sqm office park positioned as a hub for media, innovation and tech all of which form the repositioning of Hammersmith as a thriving commercial centre in west London.

5.1.20. The assessment identifies that there is a strong leisure and business demand from both domestic and international travellers in Hammersmith, and there is a limited amount of existing and proposed new visitor accommodation supply, with a lack of upscale quality hotels in the immediate surrounding area. The assessment summarises that the site is in a desirable location, within walking

distance of Hammersmith underground and bus stations with good links to Heathrow airport, the M4 and Central London. The applicant states that the intention is for the hotel offer (Hotel 1) to be occupied by visitors at the higher end of the market and Hotel 2 to be occupied by an operator equivalent to a 3 star hotel.

- 5.1.21. Whilst other hotels are present or intended within the town centre, the scheme would add to the variety and quality of visitor accommodation available locally while providing a high end facility in a key location both within the centre and within London generally. Visitor accommodation is encouraged and supported by policy as a use within Hammersmith town centre and would contribute to the vitality and viability of this major town centre. The application site is a key component of the proposed regeneration of Hammersmith town centre and Policy HRA supports a comprehensive redevelopment. Unlike most hotel models put forward which are inward focus, the hotel development under consideration look outwards, actively seeking interaction with residents, businesses, and creative uses. In addition to providing publicly accessible community space, meeting rooms and bars and restaurants, and public realm. The proposed hotel development therefore accords with the objectives within the regeneration area and would be beneficial to the town centre as a location for additional visitor accommodation.

Principle and Land Use Conclusion

- 5.1.22. Wider benefits would be delivered by way of increasing local expenditure through increased employment levels with job opportunities for local residents and companies and additional visitors through the borough. It is considered that the social and economic benefits derived from the development are substantial public benefits and represent the delivery of the Council's spatial vision and strategic objectives set out within the Local Plan as well as representative of the opportunity the development presents.
- 5.1.23. The proposal seeks to meet the strategic employment targets for the regeneration area and would provide a positive contribution to the economy and place making in the town centre, in accordance with Policy HRA. Officers do not raise objection to the principle of the land uses proposed, which are considered appropriate within this town centre location, and are consistent with relevant national, regional, and local planning policies. Officers therefore consider that the proposal, subject to s106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policies 2.1, 2.15, 3.16, 4.5 and 4.6 and Draft London Plan Policies S1 and E10 and Local Plan Policies HRA, CF1, CF2, CF3 and E3. These benefits however need to be weighed against the design and form of the proposed new build and whether the development would have an unacceptable impact on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic.

5.2 Socio-Economic and Community Effects

- 5.2.1. **London Plan Policy 3.1** presents the Mayor's commitment to ensuring equal life chances for all Londoners, borne out of the recognition that meeting the needs of particular groups and communities is key to addressing inequalities

and fostering diverse communities. **Policy 4.12** seeks to improve access to employment and employment opportunities for Londoners, supporting local employment, development and training. **Draft London Plan Policy E2 (C)**, states that the applicant should show how a proportion of low cost and flexible business space would be incorporated into the proposals to provide workspace suitable for small and medium sized enterprises.

- 5.2.2. **Local Plan Policy E1** requires flexible and affordable space suitable for small to medium enterprises in new large business development. **Local Plan Policy E4** requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.
- 5.2.3. The proposal also has the potential to create new jobs for local people once the development is operational and is expected to generate approximately 301 net direct jobs once the development is operational.
- 5.2.4. The applicant seeks to work with the borough and local training, employment and education agencies to maximise local take up of these positions. From the proposed outputs of the development the Council will secure 10% of the construction costs which will be offered as local procurement contracts and are secured for the local economy together with delivering by way of a contribution secured by obligation 25 apprentices, 64 work placements and 30 full-time operational phase workers
- 5.2.5. It is considered that the social and economic benefits derived from the development are significant public benefits and represent the delivery of the council's spatial vision and strategic objectives set out within the Local Plan as well as representative of the opportunity the development presents. Officers therefore consider that the proposal, subject to s106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policies 3.1 and 4.12 and Draft London Plan Policy E2 and Local Plan Policies E1 and E4.

5.3 Design, Heritage and Townscape

Design

- 5.3.1 **The NPPF** seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.2 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.3 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. **Part 12 of**

the NPPF outlines the requirement for good design and **Paragraph 127** sets out that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.3.4 **Chapter 7 of the London Plan (2016)** sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. **Policy 7.1 (Lifetime Neighbourhoods)** states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. **Policy 7.2 (An Inclusive Environment)** requires all new development in London to achieve the highest standards of accessible and inclusive design. **Policy 7.3 (Designing out crime)** seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.

5.3.5 **Policies 7.4 (Local character), 7.5 (Public realm), 7.6 (Architecture) and 7.7 (Location and design of tall and large buildings) of the London Plan** are all relevant and promote the high-quality design of buildings and streets. **Policy 7.4** states that development should have regard to the form and function, and structure of an area, place or street and the scale, mass, and orientation of surrounding buildings whilst **Policy 7.6** states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. **Policy 7.7** promotes a plan-led approach to the development of tall and large buildings; such buildings should not have an unacceptably harmful impact on their surroundings.

5.3.6 **Chapter 3 (Design) of the Draft London Plan (2019)** seeks to secure the delivery of good design through a variety of ways. **Draft Policies D4 (Delivering Good Design), D8 (Public Realm) and D9 (Tall Buildings)** are particularly relevant to the consideration of this application. **Policy D4** highlights that where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models alongside use of design

review should, where possible, be used to inform decision-taking, and to engage Londoners in the planning process. **Policy D8**, sets a series of criteria to ensure that ensure the public realm is well-designed, safe, accessible, inclusive, attractive and well-connected. **Policy D9** promotes a plan-led approach to tall buildings and a framework to assess the impacts of such developments.

- 5.3.7 **LBHF Local Plan Policies DC1, DC2 and DC3** are particularly relevant to the assessment of design. **Policy DC1 (Built Environment)** states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. **Policy DC2 (Design of New Build)** sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. **Policy DC3 (Tall Buildings)** identifies four areas within which tall building may be appropriate, including Hammersmith Town Centre; the policy also sets a framework to assess proposals for tall buildings.

Existing townscape

- 5.3.8 The eastern town centre is characterised by large scale building blocks that are visually and physically isolated by divisive transport corridors. Talgarth Road is characterised by a lack of defined edges and provides a weak and unwelcoming visual entrance into the town centre. The application site is part of the town centre and lies within the diverse setting of modern, commercial buildings. Other than their large scales and the strong horizontal banding of the elevations, there is no uniformity in building types and materials.
- 5.3.9 The Magistrates Court site forms part an island block with the Ark and Lilla Huset building to the west and the petrol station to the east. The island site is fragmented from the surrounding townscape by the London underground lines to the south and vehicular routes of Talgarth Road/A4. As such, and the visual and pedestrian links with the town centre and between the neighbouring blocks are of exceptionally poor quality.
- 5.3.10 Hammersmith Magistrates Court lies on the southern edge of Hammersmith the town centre. that is bounded by the District Line railway tracks to the south. The town centre buildings in the vicinity have 9-15 storeys while the general townscape scale drops down to a mid-height of 3-6 storeys further east and north-east, including the current building on site. The evolving masterplan for the town centre anticipates that heights in some parts of the town centre could rise further to and above the 20 storey mark in order to accommodate the projected economic growth and increasing housing demand.
- 5.3.11 The current development on site is of a dated design and lacks positive engagement with the public realm and integration into the town centre. Both in design and environmental terms, the quality of the walkway along Talgarth Road between the town centre, the site and further east is poor, in particular where there is a distinct lack of activation of the edges of the Magistrates Court site and of the petrol station directly to the east as buildings are set back into

the sites. The redevelopment proposal offers the potential to integrate the site with the town centre, to include public access and community facilities, to improve the pedestrian links between the town centre, the site, LAMDA and Baron's Court and address the poor environmental conditions not only for the benefit of the site but also for its neighbours.

Design of proposals

5.3.12 The proposal scheme follows a perimeter block approach to development. The layout of development seeks to introduce two L-shaped hotels flanking the north-eastern and south-western extents of the site. The northern hotel features a centralised internal restaurant/meeting space; accommodated within the pavilion 'tempietto' structure framing an internal public route and formal public square at the core of the site. Both hotels are designed to have a discrete, yet complementary character overall.

Northern hotel

5.3.13 The northern hotel has an L-shaped form and has a 7-storey form flanking the eastern extent of the site and a 23-storey form to the northern extent of the site. The development would form the tallest building within Hammersmith town centre and would act as landmark to the eastern gateway of the town centre, adjacent to Talgarth Road and the A4.

5.3.14 The architectural language of this element of the proposal, would bring forward a strong and uniform grid treatment to the northern/southern façades. This approach would introduce a repeating bay treatment, including fritted glazed elements layered with clear/opaque glazing and angled reveals which would add depth and interest to building, particularly during the evening and night-time. Supporting this approach, the cores to the hotel are designed as separate elements to the main building and are consistent with the treatment of as-built, best practice examples of the scheme architects, including the Hammersmith Civic Campus and Landmark House developments recently consented within Hammersmith Town Centre. These elements would not only serve to give the building a more pronounced crown but would also serve to complement the crow's nest crown of the adjacent 'Ark' development.

5.3.15 At ground floor and mezzanine level, the northern extent of the building flanking Talgarth Road features a recessed colonnade treatment providing vehicular drop-off and a legible entrance to the hotel. Within the core of the site, the tempietto structure provides a more playful element, drawings pedestrians into this space and providing a high-quality backdrop to the pedestrian street and public square.

Southern hotel

5.3.16 The L-shaped form of the southern hotel varies between 10 storeys to the western extent of the site and 5 storeys to the south. The architectural approach of this building is broken down vertically to break-up the mass of this block; providing an architectural language which reaffirms some of the qualities of the northern hotel and also to complement the character of adjacent developments; The Ark and Lilla Huset buildings, (situated due west of the

application site). The form of the architectural approach detailed with terracotta material at lower levels and to the external cores; alongside use of perforated metal cladding at upper floors is considered to illustrate a high-quality approach which would create a successful clustering relationship between existing and proposed buildings overall. The roofscape of this block would also be designed to incorporate a variety of green roofs.

- 5.3.17 Conditions relating to the submission of detailed 1:20 sections of the main building elements and submission of materials are recommended to be attached to any consent granted for development, to give the LPA additional control over the quality of the detailed design of these buildings.

Landscaping and Public Realm

- 5.3.18 Given the poor quality of the current environment and public realm supporting the application site, redevelopment of the site has the ability to deliver significant improvements to the pedestrian experience and permeability of the eastern extent of Hammersmith Town Centre overall.
- 5.3.19 Proposals would improve the current arrangement of Talgarth Road as a key pedestrian route. Internally the scheme would also open-up the site, providing a new secondary pedestrian route, which would provide additional permeability and sanctuary from noise and poor air quality of the A4. This route has been carefully designed to allow for a future connection to the east, (if redevelopment of the adjacent petrol filling station were to come forward at a later stage).
- 5.3.20 The roofscape of the tall building would provide public access to a viewing gallery and gym served by an independent lift core accessed from the public realm. This space would provide a unique space and experience of views across London.
- 5.3.21 At the core of the site, the new pedestrian route is supported by a new public square which would be animated by active frontage of the restaurants/meeting rooms of the hotels. The public realm is with a uniform palette of hard and soft landscaping elements of high quality. Servicing and delivery routes are designed to be located to the periphery of site, discrete from the public realm and pedestrian spaces.
- 5.3.22 The proposal scheme would result in the loss several mature trees, particularly TPO trees to the western boundary of the site. The landscape strategy supporting the application, seeks to bring forward planting of new, replacement trees at the core of the public realm and additional off-site tree planting along Talgarth Road. On balance, the landscaping proposals are considered to provide a positive enhancement to the site overall.

Tall Building

- 5.3.23 The application site is situated in Hammersmith Town Centre and Regeneration Area. An area where tall buildings may be considered appropriate in accordance with Local Plan Policy DC3, and as a plan-led tall building considering London Plan Policy 7.7 and draft London Plan Policy D9. Policy DC3 states: Tall buildings, which are significantly higher than the general

prevailing height of the surrounding townscape and which have a disruptive and harmful impact on the skyline, will be resisted by the council.

5.3.24 In order to assess the performance of the proposal against this test, both Policy DC3 and London Plan Policy 7.7 set a framework of key considerations for the assessment of application for tall buildings. This includes the following considerations:

- Scale, character and architectural quality of the built form
- Townscape, heritage and Visual Impacts
- Access to public transport
- Ground floor activity
- Public realm and permeability
- Sustainable design and construction
- Micro-climate, overshadowing and local environmental considerations
- Inclusive design
- Public access to upper floors

5.3.25 Detailed consideration of these matters is referenced throughout this report. Development of this site to accommodate a tall building is supported by policy. In conclusion, it is recognised that the development would have some degree of harmful impact upon the skyline of Hammersmith Town Centre and the setting/significance of several designated/non-designated heritage assets overall.

5.3.26 However, the development of a tall building, (particularly the 23-storey tower), would bring forward a positive landmark at a key gateway to the town centre. The scheme represents a high-quality form of development and would support the regeneration of the town centre and wider public access to the site which would mitigate this harm overall.

5.3.27 The scheme is considered, on balance to provide a positive additional to skyline and the townscape of Hammersmith and therefore would comply with London Plan Policy 7.7 and Local Plan Policy DC3. The proposal would also comply with draft London Plan Policy D9.

Design Conclusion

5.3.28 The proposals are well designed and would provide a new high-quality landmark development within a prominent gateway to Hammersmith Town Centre. At 23 storeys, the northern hotel, would become the tallest building within town centre, a designated tall building location. Notwithstanding their own architectural quality, the proposals would also serve to reinforce and complement the form, architecture and materiality of the adjacent Ark and Lilla Huset buildings; creating a legible cluster of buildings within this 'island' site. Conditions would secure the quality of the detailed design and external materials.

Heritage and Townscape

- 5.3.29 **The Planning (Listed Buildings and Conservation Areas) Act 1990** sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 5.3.30 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.16, s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 5.3.31 **S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990** requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 5.3.32 **S72 of the above Act** states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 5.3.33 **Paragraph 184 of the NPPF** states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.3.34 **Paragraph 190 of the NPPF** states: Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.3.35 **Paragraph 192 of the NPPF** states: In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.3.36 **Paragraph 193 of the NPPF** states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the

asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.3.37 **Paragraph 194 of the NPPF** states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

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

5.3.38 **Paragraph 195 of the NPPF** states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

5.3.39 **Paragraph 196 of the NPPF** states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.3.40 **Paragraph 197 of the NPPF** states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.3.41 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non-designated heritage assets (buildings of local historic and architectural importance).

- 5.3.42 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 5.3.43 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.3.44 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 5.3.45 The scheme would impact both directly and indirectly on heritage assets. These impacts are considered separately in the following sections.
- 5.3.46 For the indirect impacts, namely impacts on settings, officers agreed areas for assessment with the applicants. The applicant's statements submitted with the application, identifies the significance of designated heritage assets within a study area surrounding the application site, including designated and non-designated heritage assets in Hammersmith & Fulham. It identifies designated assets that have a connection to the proposed development area and seeks to identify the significance of the designated heritage asset in relation to the site.
- 5.3.47 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 195 and 196 of the NPPF as appropriate.
- 5.3.48 **Local Plan Policy DC8 (Heritage and Conservation)** states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:
- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long-term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
 - b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
 - c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
 - d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to

the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;

e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;

f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;

g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation; h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;

i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;

j. the proposal respects the principles of accessible and inclusive design;

k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;

l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

- 5.3.49 The Council's **Supplementary Planning Guidance SPD** is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG1 (Land Use in Conservation Areas); CAG2 (Urban Design in Conservation Areas) and CAG3 (New Development in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

Townscape Assessment – Views

- 5.3.50 To assess the impact of the proposed development, the Environmental Statement includes a Townscape and Visual Impact Assessment which assesses 36 views from an agreed selection of locations around the site. On some of the images, wirelines have been used, where the degree of visibility or impact on the skyline is the most important part of the assessment. However, most of the studies are fully rendered representations of the proposed scheme

which indicate the development and the design of the facades in its urban context.

- 5.3.51 For the purpose of this report, the views have been grouped into viewpoint areas that present views which are in similar locations and/or demonstrate very similar levels of impact in terms of the appearance of the new development, its impact on the local townscape and on the setting of conservation areas and listed buildings. Officers have assessed all of the submitted views on site and have paid regard to the comments received and how the impact would change as the viewpoint is varied within each area.

Riverbank views

- 5.3.52 These views are from the north and south bank of the river looking north-east towards the site and are important views of The Mall and Fulham Reach Conservation Areas and Hammersmith Bridge as well as of a group of listed buildings and Buildings of Merit lining the riverside within The Mall Conservation Area.
- 5.3.53 The new development would not be visible from the south bank opposite Fulham Reach Conservation Area or from Hammersmith Bridge, however, the form of the tall building of the northern hotel would rise above or close to the crow's nest of the Ark when viewed from The Mall open space or the south bank on the opposite side. From here, the building would contribute to an emerging layer of tall buildings in Hammersmith and Fulham that appear in the background of The Mall and Fulham Reach Conservation Areas.
- 5.3.54 The cumulative view of existing and proposed tall buildings does not indicate a coalescence or grouping of such tall buildings, therefore the tall buildings that would be visible punctuate the background rather than creating a prominent new skyline. The development would not be visible in the context of the mature landscaping/trees of Furnivall Gardens that dominate this stretch of the north bank.
- 5.3.55 The view of Hammersmith Bridge is not affected as the proposed building would be screened by the Riverside Studios development.

Town centre views

- 5.3.56 Views within the town centre demonstrate that the new building would only become visible from the junction of Talgarth Road with Butterwick and when looking down Shortlands from Hammersmith Road where it blends with the general scale and character of the townscape. The view at the junction of Butterwick Road and Talgarth Road, (looking east), shows the narrow profile of the tall building and its relationship with the Ark.

Brook Green and Olympia views

- 5.3.57 The proposed development would not be visible in Brook Green views, with only a small element of the crown of the tall building visible within westward facing views from Olympia.

Barons Court, Hammersmith Cemetery and Yeldham/Biscay/Beryl Road views

- 5.3.58 Approaching the town centre on Talgarth Road from the east, the proposed development would be highly prominent. The L-shaped form of the northern hotel would form a visually interesting landmark at the gateway into the town centre. The distinctive shape of the Ark would be partially screened from these views.
- 5.3.59 Outside Baron's Court the local environment has retained its historic character, however, when looking towards the town centre and the site, taller buildings, such as LAMDA and the residential tower (Linacre Court), come into view. The linear LAMDA development visually acts as a border between the Barons Court Conservation Area and the town centre beyond. The new development would appear above the 6-storey LAMDA building but not larger in scale than Linacre Court.
- 5.3.60 From the leafy parts of Margravine Cemetery, buildings on Talgarth Road are barely visible even when the trees are not in leaf, with the exception of few glimpses afforded by gaps between trees. Due to the volume of the trees with and without leaves, sightings of the proposed development are not considered to harm the character of the cemetery.
- 5.3.61 In contrast, the western part of the cemetery has less trees, and the new development would in its full width appear prominently in the background of those views. This background currently is characterised by low-rise residential terraces but also features the crow's nest and curved roof of the Ark and glimpses of Linacre Court in the distance. The northern hotel, would introduce a new prominent form within this setting and mid-range views.
- 5.3.62 The development will introduce a prominent form situated behind the existing terraces of Yeldham Road, Biscay Road and Beryl Road. In short to mid-range views, proposals will in part coalesce with the existing Ark development.

Impacts on Heritage Assets

- 5.3.63 The proposal site is not situated within a Conservation Area and does not feature any designated/non designated heritage assets.
- 5.3.64 Given the scale and massing of the proposed development, there is a need to consider wider impacts upon the setting, character and significance of surrounding Conservation Areas and heritage assets.

Heritage Assets - Conservation areas

- 5.3.65 Based upon due consideration of the Planning Statement and Townscape and Visual Impact Assessment submitted in support of the application, assessment of the impact upon the following Conservation Areas is required:

- Barons Court CA
- Brook Green CA

- Queen's Club Gardens
- Gunter Estate CA
- Dorcas Estate
- Fitzgeorge and Fitzjames
- Hammersmith Broadway CA
- Hammersmith Odeon CA
- Hammersmith Town Hall CA
- The Mall CA
- Fulham Reach CA

5.3.66 Barons Court, Brook Green, Queens Club Gardens, Dorcas Estate, Fitzgeorge and Fitzjames, and Gunter Estate Conservation Areas all are characterised draw their significance as high quality, historic, residential terraces and include mature green spaces such as parks and cemeteries.

5.3.67 Hammersmith Broadway, Hammersmith Odeon and Hammersmith Town Hall Conservation Areas hold significance as town centre areas of diverse townscape character, centred around the key sites of the Broadway, the former Apollo Theatre and the Town Hall. They include large scale commercial buildings, residential blocks and traditional terraces of various building periods.

5.3.68 The Mall and Fulham Reach Conservation Areas lie to the west and south of the town centre. The main historic relevance and significance of the Conservation Areas lies in the relationship between the river, the riverbank and foreshore, and the views along and across the river that provide the important characteristics of the Conservation Areas. Fulham Reach has been subject to significant change in recent years, encompassing modern, large scale residential and mixed use developments; through development of former industrial sites, The Mall Conservation Area is a well preserved historic riverside characterised by a variety of finely grained buildings, many of them listed or designated as Locally Listed, Buildings of Merit.

Assessment of harm

5.3.69 The proposal scheme, particularly the tallest building at 23 storeys will result in some harm to setting of a variety of Conservation Areas. This harm would generally result from the inter-visibility of proposals within mid to long-range views. This is particularly the case in regard to The Mall, Baron's Court and Brook Green Conservation Areas; in the case of Baron's Court, this includes Margavine Cemetery.

5.3.70 Officers consider that the proposed development would cause less than substantial harm to the significance and setting of these Conservation Areas overall. This conclusion is reached by Historic England in their formal observations.

Heritage Assets – Statutory Listed buildings and Locally Listed, Buildings of Merit

5.3.71 There are several listed buildings and Locally Listed, Buildings of Merit in the vicinity of the site, the setting of which may be affected due to a potential inter-visibility with the proposed development. They can be grouped as follows.

- 5.3.72 The Grade II* listed Church of St. Paul and the Apollo Theatre located on Talgarth Road to the west of the site. Users of the A4 or the public realm underneath experience the diversity of buildings as they move along this corridor. The context of the heritage assets can only be glimpsed due to the position of the flyover.
- 5.3.73 The 'Ark', a locally listed, Building of Merit, direct neighbour to the site. This building is in an isolated and exposed position, and due to its unusual form and architectural features, it is regarded as a local landmark that indicates the entrance to Hammersmith town centre when approaching from eastern direction.
- 5.3.74 William Morris Academy, a locally listed, Building of Merit, in Biscay Road to the south of the Underground line and visible from St Dunstan's Road. This building, designed in the Victorian London Board School style, rises over the surrounding 2-3 storey residential terraces, thereby representing the typical historic relationship between residential and public buildings.
- 5.3.75 The cluster of heritage assets near Barons Court Station, including the Grade II listed Underground Station, St. Paul's Studios at Nos 135-149 Talgarth Road, and various houses, terraces and buildings designated as Buildings of Merit in Margravine Gardens, Palliser Road and Talgarth Road. The architectural significance of these buildings and their relationship to each other are of special interest with regard to the building types and the townscape they form as a group. The larger scale, modernity and diversity of the town centre is clearly visible in the background in views from east.
- 5.3.76 Buildings, structures, war memorials and tombs, both listed and designated as Buildings of Merit, within Margravine (Hammersmith) Cemetery and the Grade II listed No 17 St. Dunstan's Road and the street wall, railings and gates in front of it. The setting of these assets is characterised by the location within or on the edge of the leafy cemetery with a low level of overlooking by surrounding development. Some tall buildings, such as Charing Cross Hospital and residential towers to the north and south-west are clearly visible in views from the cemetery.

The Grade II* listed Hammersmith Bridge.

- 5.3.77 Listed buildings and Buildings of Merit situated on the river in particular in the eastern part of The Mall Conservation Area, a diverse ensemble of small-scale residential houses, sailing and rowing clubs, public houses and mansion blocks.

Assessment of Harm

- 5.3.78 The development would result in less than substantial harm to the setting and significance of the Grade II* listed Church of St. Paul or the Grade II Apollo Theatre as existing buildings/structures, including Hammersmith Broadway, the Ark and the A4 flyover, would screen and limit visibility from the wider setting of these assets.

- 5.3.79 Considering the setting of other listed buildings, tombs and monuments as identified above, the setting of these assets would also be subject to harm as a result of the inter-visibility of the proposal scheme; again, officers conclude this harm would be less than substantial harm.
- 5.3.80 In terms of impacts upon Locally Listed, Buildings of Merit, proposals would result in some harm upon the setting of the Ark; particularly as the tall building would screen and obstruct westward views of this development from Talgarth Road and the A4. Notwithstanding the changes to these views, given the unique location of the Ark and existing magistrates court development within an 'island site' the redevelopment of the site provides an opportunity to create a stronger cluster of buildings which reaffirm and complement the quality and significance of the Ark overall. Officers consider harm to setting of this non-designated heritage asset to be less than substantial harm.

Design Heritage and Townscape Summary

- 5.3.81 The proposed scheme represents an opportunity to regenerate the eastern part of Hammersmith town centre in accordance with the Council's Local Plan policies. The site currently fails to contribute positively to the town centre's townscape, cohesion and identity, and the proposed scheme provides considerable potential to address these issues.

Urban Design and Heritage Balance

- 5.3.82 The proposed height and massing are considered to indirectly cause less than substantial harm to the setting and significance of The Mall Conservation Area and of Barons Court Conservation Area in relation to their character and appearance, and to the setting of some statutory listed buildings and Locally Listed, Buildings of Merit within those areas, as described above. This impact is largely related to the inter-visibility of the proposal within short and mid-range views from these heritage assets.
- 5.3.83 The proposals would significantly change the form and massing at this location and appear in the background of the smaller scale residential neighbourhoods close to the eastern town centre. The visual impact of the development has been carefully managed; owing to the situation of the tallest building to the northern extent of the site and the placement of less significant block to the southern portion of the site, adjacent to the Underground rail line and residential terraces beyond.
- 5.3.84 The configuration, design and materiality of the proposed development is thought to be well considered and would enhance the town centre's legibility, the definition of historic urban spaces, the townscape character and identity.
- 5.3.85 The proposed buildings would provide substantial environmental benefits to the locality by way of offering public amenity spaces, a public square and viewing deck; alongside future proofing provision of additional pedestrian routes protected by the built form and by substantial urban greening and landscaping.
- 5.3.86 The proposed development offers to contribute to reinstating the town centre's historic cohesion and connectivity by improvements to the public realm and

provision of publicly accessible internal and external spaces on site with activated frontages.

- 5.3.87 In balancing the urban design and heritage impacts, it is considered that on balance the proposal would result in an overall positive outcome for the town centre regeneration and therefore would be in accordance with the relevant national guidance and regional and local policies.
- 5.3.88 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 16, 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. It is considered that this is compliant with Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is also considered acceptable in accordance with the NPPF, Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.21 of the London Plan and Policies DC1, DC2, DC3 DC4, DC7 and DC8 of the Local Plan (2018).

5.4 Daylight and Sunlight

- 5.4.1. **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.'
- 5.4.2. **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. **Policy 7.7** further states that tall buildings should not adversely affect their surroundings in terms of overshadowing and reflected glare. **Draft London Plan Policy D8** reiterates the importance of ensuring that tall buildings do not compromise the comfort and enjoyment of neighbouring residential properties and open spaces to new development.
- 5.4.3. **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. In particular paragraph 1.3.45 states 'Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' Paragraph 1.3.46 further states 'The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.'

- 5.4.4. **Local Plan Policy HO11** addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'. **Local Plan Policies DC2 and Policy DC3** state that all new builds and tall buildings must be designed to respect good neighbourliness and the principles of residential amenity.
- 5.4.5. **Key Principles HS6 and HS7** of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 5.4.6. **The BRE Guidelines** are typically used to assess daylight and sunlight. The Guideline sets out three methods for assessing daylight into a room including the Vertical Sky Component (VSC) method, the No Sky Line (NSL) method. and the Average Daylight Factor (ADF) method. The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme. Sunlight assessment is based on annual probable sunlight hours (APSH) and winter sunlight hours. In terms of overshadowing of gardens and open spaces the BRE guide recommends that for an open space to appear adequately sunlit through the year, more than half of the space should receive at least two hours of sunlight at the March equinox.

Daylight, Sunlight, Overshadowing and Solar Glare Assessment

- 5.4.7. An assessment of the daylight, sunlight, and overshadowing effects of the Proposed Development on surrounding buildings and amenity space is contained within Chapter 5 of the ES. Potential solar glare impacts (i.e. reflection from surfaces) for sensitive road junctions and rail lines and a light spillage (i.e. light from the site into the surrounding area) for sensitive neighbouring residential properties have also been considered.

Daylight

- 5.4.8. Overall, of the 879 windows assessed for VSC, 850 (97%) meet the BRE criteria. Of the 408 rooms that the windows assessed serve, 402 (99%) of these rooms meet the BRE criteria for NSL. 44 of the 57 properties assessed will experience no or little alterations below 20% for both VSC and NSL, and the effect on daylight to these properties is considered to be negligible. The remaining 13 affected properties set out as follows.
- 5.4.9. 109 Yeldham Road: A total of seven windows serving four rooms were assessed for daylight within these three buildings. For VSC, all seven windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. For NSL three of the four (75%) rooms assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The affected room would experience alterations in VSC levels between 20-29.9% which is considered to equate to a Minor Adverse effect. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).

- 5.4.10. 73 to 89 (odds) and 93 Yeldham Road (Ten Buildings): A total of 90 windows serving 49 rooms were assessed for daylight within these ten buildings. For VSC, 69 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. Of the affected windows, 17 would experience alterations in VSC levels between 20-29.9% which is considered to equate to a Minor Adverse effect, and three would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. The remaining window would experience an alteration in excess of 40% which is considered a Major Adverse effect. Nine of the 21 affected windows retain VSC levels above 20%, which may be considered acceptable in an urban location. For NSL 46 of the 49 (94%) rooms assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. All three affected rooms would experience alterations in NSL above 40% which is considered a Major Adverse effect. All affected rooms are located on the ground floor, with two of the rooms seeing existing NSL levels below the BRE recommended 80%. Overall, due to the high level of BRE compliance.
- 5.4.11. 191 Talgarth Road (Educational Building): A total of 18 windows serving eight rooms were assessed for daylight within this building. For VSC, 10 of the 18 (56%) windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. Of the affected windows, one would experience an alteration in VSC of between 30-39.9% which is considered a Moderate Adverse effect. The remaining seven windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. It should be noted that seven of the eight affected windows have very low existing VSC levels of between 0.3% and 3.1%, which would result in a disproportionate percentage change with small absolute losses. The absolute losses are unlikely to be noticeable. The remaining window would experience a retained VSC level of 19.8% which is considered acceptable in an urban location. For NSL, seven of the eight rooms assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The one affected room would experience an alteration in excess of 40% which is considered a Major Adverse effect. It should be noted that this building is an educational facility, and as such would have transient occupancy and therefore a lower requirement for daylight. Overall, due to the low existing levels of VSC resulting in alteration unlikely to be noticeable, and the transient non-residential use of this building, effect to daylight on this building is considered to be Negligible (not significant).
- 5.4.12. 92 Biscay Road: A total of 10 windows serving four rooms were assessed for daylight within these three buildings. For VSC, all ten windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. For NSL, three of the four rooms (75%) assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The affected room would experience alterations in VSC levels between 20-29.9% which is considered a Minor Adverse effect. Overall, due all affected windows for VSC experiencing Negligible effects and high level of NSL compliance the effect to daylight on this building is considered to be Negligible (not significant).

Sunlight

- 5.4.13. Of the 213 rooms assessed for sunlight, all 213 (100%) would meet the BRE criteria for both total and winter PSH and are considered to experience a Negligible effect. All buildings experience little to no change in sunlight levels with the completed proposed development in place and are therefore considered to experience a Negligible effect (not significant).

Overshadowing

- 5.4.14. On 21st March, with the exception of two amenity areas, there are no overshadowing effects to amenity areas throughout the day. The effect of overshadowing upon these areas is therefore considered Negligible on 21st March. The amenity areas that are affected on March 21st is the Communal gardens serving properties on Shortlands and Nazareth House Convent and Linacre Court Communal garden. Shortlands and Nazareth House Convent Communal Gardens would be cast under shadow by the Proposed Development from 13:00GMT to approximately 16:00 GMT. However, only the southern portion of the area would be under shadow, and the majority of the area would still receive sunlight on at least 50% of its area. Importantly, the area as a whole would still receive sunlight on the majority of its area from approximately 8:00GMT to 16:00GMT resulting in eight hours of sunlight on more than 50% of its area, far surpassing the BRE recommendation of 2 or more hours of sunlight.
- 5.4.15. A small portion of Linacre Court Communal garden would be cast under shadow by the Proposed Development from 15:00GMT until 17:00GMT. However, only the westerly portion of the area would be under shadow, with the majority of the area receiving direct sunlight throughout most of the day far surpassing the BRE recommendation of 2 or more hours of sunlight on at least 50% of the total area.
- 5.4.16. Overall, considering both Communal gardens are BRE compliant, the overshadowing effect is considered to be Negligible on 21st March and as such the BRE recommendations are met.
- 5.4.17. On 21st June, with the exception of gardens to the rear of Margravine Gardens, there is no overshadowing on any amenity areas throughout the day. The effect of overshadowing upon these areas is therefore considered Negligible on 21st June. The rear gardens associated with 12-36 Margravine Gardens (even) would be cast under shadow by the Proposed Development from 20:00BST to sunset at approximately 21:00BST. It should be noted that all of these gardens would still enjoy direct sunlight though the majority of the day on the vast majority of their area. Overall, the rear gardens of 12-30 Margravine Gardens (even) are considered to experience a Negligible effect from overshadowing on June 21st.
- 5.4.18. On 21st December from 12:00GMT to 15:00GMT portions of the communal gardens serving properties on Shortlands and Nazareth House Convent are cast under shadow, with the majority of the area being overshadowed between 13:00GMT and 15:00GMT. However, from approximately 09.30GMT to 12:00GMT, the vast majority of the communal gardens serving properties on Shortlands and Nazareth House Convent would be in sunlight. The effect from

overshadowing on December 21st to this amenity area is therefore considered Moderate Adverse.

- 5.4.19. In addition, the private gardens associated with 23 to 21 Colet Gardens and the amenity area adjacent to St Pauls Hotel would be cast under shadow from 15:00GMT for less than one hour. To the short amount of time these areas are cast under shadow, the effect from overshadowing is considered Negligible.
- 5.4.20. Overall, the effect from overshadowing throughout the year to the Communal gardens serving properties on Shortlands and Nazareth House Convent is considered Minor Adverse (significant). The effect from overshadowing to all other amenity areas is considered not significant). Overshadowing to amenity areas within the site. Given the hotel use of the Proposed Development, which is considered less sensitive due to its transient occupancy, it has not been considered necessary to assess the amenity areas against the BRE criteria. There is potential for periods of overshadowing to amenity areas proposed within the site, however this is not considered to be significant given the lower sensitivity of the Proposed Development.

Solar Glare

- 5.4.21. A full solar glare assessment has been carried out and is appended to the Environmental Statement. The assessment has been undertaken from signalised railways and road junctions nearby which are considered sensitive in terms of solar glare. For the 13 locations assessed, nine are considered not significant. Of the remaining four locations all are considered to experience a Minor Adverse effect (not significant). It is considered that no mitigating solutions are required owing to the very thin section of the façade from which solar reflections would appear; the short period of time within which reflections would occur; the provision of multiple traffic lights at these junctions; and the direct view of the sun in the sky should the building not be there.

Daylight/Sunlight Conclusion

- 5.4.22. Officers have considered effects of the proposals on daylight, sunlight, overshadowing and solar glare. The policy framework clearly supports the flexible application of daylight, sunlight, and overshadowing guidance to make efficient use of land, and not to inhibit density. These policy documents resist the rigid application of guidelines and signal a clear recognition that there may be circumstances in which the benefits of not meeting them are justifiable, so long as acceptable levels of amenity are still enjoyed. The proposed development would provide acceptable levels of amenity to existing receptors will continue to enjoy acceptable levels of amenity even where reductions in current levels of daylight or sunlight will take place beyond those recommended by BRE guidelines. Together with the environmental, social, and economic contribution the proposed development would make through its proposed form, density and layout, the proposal is acceptable in respect of daylight, sunlight, and overshadowing impacts.

Outlook/sense of enclosure

- 5.4.23. **Key Principle HS6** of the Planning Guidance SPD states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook:' Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement would be a determining factor in assessing the effect which the extension would have on the existing amenities of neighbouring properties.' Where original rear gardens are less than 9 metres depth, a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.
- 5.4.24. The site is located in Hammersmith town centre and is an 'island' site, bounded to the north by Talgarth Road and the A4 Hammersmith flyover and to the south by London Underground Railway tracks. Despite being located in the town centre, the site is currently occupied by a low-rise commercial building and an open car park to the rear. At present the majority of the neighbouring residential properties to the south look out across the railway tracks onto unobstructed views, meaning they enjoy daylight and outlook conditions which are more akin to a suburban location rather than an urban environment in central London. It would not be realistic for there to be an expectation that this character should prevail given its location. The height, form and massing of the proposed development has been designed to respond to existing surrounding conditions, with the tallest element of the proposed development set furthest away from the residential properties to the south before reducing in height through a sequence of blocks towards the southern boundary at five storeys. The site's immediate residential neighbours located to the rear are in Yeldham Road, Biscay Road and Margravine Road/Gardens. The properties located opposite the site (nos. 57 to 109B (odd) Yeldham Road) would be deemed to be most affected. Whilst other residential properties in the vicinity of the site would view the proposed development, the residents immediately to the rear are the residents who would be directly affected due to the proximity of the development to these neighbours.
- 5.4.25. The proposal introduces a stepped development facing the residential properties. The closest southern block would be 5 storeys high, similar to the nearby LAMDA building to the east and is set back from the railway embankment which will also feature landscaping including tree planting. The blocks then step up to 7 and 10 storeys to the flank blocks of the South and North Hotels before the tallest element to the northern boundary. For reference, the previous application featured blocks of 8 storeys to the southern boundary and a middle block of 16 storeys. In respect to the Council's 0m/45 standard, the development does not breach a line drawn from the rear elevation of the dwellings in Yeldham Road at ground level towards the new buildings, tracing the angle (45 degrees) and therefore complies with the requirements of this standard. The increased height of the mid-rise and the tallest block would also meet the standard. The standards in the Supplementary Planning Document

support Local Plan policies, designed as a guide and each application must be considered on its own merits. Where the standards are met, on site judgement should still be taken into consideration. Officers have had regard to the site's location in the town centre and regeneration area, the benefits of the development and the existing low rise building on the site. In comparison with the existing building the proposed development would be perceived to have an immediate impact on the existing amenities of the occupiers to the south by virtue of its increased height. In this case, the design of the proposed development has been carefully considered to minimise the impacts.

- 5.4.26. The tallest element of the proposed development would be located on the northernmost part of the site and furthest from the residential properties with a separation gap of 95m to the rear elevation of the nearest properties at Yeldham Road with a distance of 44m from the rear elevation of the southern block. Officers consider both the principle and height, scale, design/form of the proposed development to be acceptable and conclude that the development whilst clearly visible from surrounding neighbouring properties would not adversely harm the amenities of surrounding occupiers. Based on on-site judgement, it is considered that the loss of outlook or increase the sense of enclosure would not be to such an extent to warrant the withholding planning permission.

Privacy/overlooking

- 5.4.27. **Key Principle HS7 (iii)** of the Council's Planning Guidance SPD sets an 18m standard from windows in new development to existing windows, in order to protect privacy. The SPD clarifies that the 18m distance would be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure that there is no loss of privacy to neighbouring occupiers.
- 5.4.28. As a result of the gap formed by the existing railway tracks, none of the existing residential properties situated closest to the application site are within 18m of the proposed development. The closest dwellings to the application site are nos. 71 to 109 (odd) Yeldham Road with a separation distance of approximately 20-21m, followed by nos. 84-102 (even) Yeldham Road, nos. 66-70 Margrave Gardens and nos. 86-92 Biscay Road. Proposed window openings on the south (rearmost) elevation of the 5 storey block serve the hotel corridor on each level and not the bedrooms. These window openings would be set back from the site boundary and approximately 44m from the rearmost elevation of the Yeldham Road properties. The design of the flank blocks mean the southern elevations feature cores with bedroom windows east/west. The North Hotels' primary facades feature angled reveals as a response to privacy and anonymity to the residential streets south of the site, with patterned manifestation to the glazing to mask and reflect light to obscure the position of the opening. Officers are of the opinion that the proposal would have an acceptable impact on the privacy to neighbouring properties.
- 5.4.29. It is considered that the gap between the development and closest neighbouring properties would ensure that no loss of privacy or significant overlooking would occur to existing properties. Consequently, officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties. Further, details of the proposed material and glazing are required to

be submitted by condition and to take into account the privacy of nearby residents, these and other conditions will be engaged through the Community Liaison Group under Condition 3.

- 5.4.30. Whilst acknowledging the objections received, it is considered that the proposed building does not result in a significant loss of outlook, privacy or overlooking to neighbouring properties to warrant refusal of planning permission and as such, it is considered that it complies with Policies DC1, DC2, DC3, HO11 and Key Principle HS6 and HS7 of the Planning Guidance SPD.

5.5 Highways

- 5.5.1. **The NPPF** requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 5.5.2. **London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13** set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 5.5.3. **Local Plan Policy T1** sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 5.5.4. **Local Plan Policy T2** relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 5.5.5. **Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Policies 5.16 and 5.17 are relevant to waste and recycling. **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste. **Planning SPD (2018) Key Principles WM1, WM2, WM7 and WM11** are also applicable which seek off-street servicing for all new developments.
- 5.5.6. A Transport Assessment and succeeding addendum have been submitted in connection with the proposed development.

Site Accessibility

- 5.5.7. The application site is located on Talgarth Road and opposite the Hammersmith Flyover which forms part of the Transport for London Road Network (TLRN). The site is well served by public transport and as such has a public transport accessibility level (PTAL) of 6a, which is classified as 'excellent' in terms of its proximity to the public transport networks, service availability and walking time to public transport, with numerous bus routes servicing Hammersmith Station and Hammersmith and Barons Court stations a short distance from the site.

Access

- 5.5.8. Currently the site has a separate vehicle entry and exit arrangement, both from Talgarth Road with a one-way road that serves a car park area to the rear. Vehicle access and egress to the site will continue to be made via Talgarth Road, as per the existing situation. However, a new service access ("in" only) is proposed to the northwest corner of the development site that will connect to a service road surrounding the site. This arrangement will allow the separation of delivery and servicing vehicles from the pedestrian and taxi drop off areas at the frontage of the site. The existing one-way working arrangements will be maintained providing a taxi and blue badge vehicle access only on Talgarth Road. This access will connect to a short one-way road where 4 blue badge parking bays and 4 taxi bays will be provided for drop-offs. The proposed service road and drop-off area will converge onto the existing site exit.

Trip Generation

- 5.5.9. In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of trips that would be generated by the proposed development compared to the previous use. For the previous use as a magistrates court, due to a lack of comparable sites within the TRICs database, a multimodal survey was requested by the Highway Authority. The applicant provided survey data of vehicle trips associated with Highbury Magistrates Court, which took place of 07/10/2019. The survey data indicated that the Magistrates Court generated a daily total of 184 two-way vehicle trips, with a peak of 30 two-way trips between 13:00 and 14:00.

Table 6-1 Highbury Corner Magistrates' Court – Total Vehicle Trips¹⁵

Time Period	Vehicle Trips		
	In	Out	Total
08:00 – 09:00	10	6	16
09:00 – 10:00	14	15	29
10:00 – 11:00	7	5	12
11:00 – 12:00	6	7	13
12:00 – 13:00	14	11	25
13:00 – 14:00	14	16	30
14:00 – 15:00	4	3	7
15:00 – 16:00	4	5	9
16:00 – 17:00	12	12	24
17:00 – 18:00	7	12	19
Daytime (08:00 – 18:00)	92	92	184

5.5.10. In order to determine the estimated trip generation of the proposed development, the TRICS database was investigated and three comparable sites were included in the assessment. The trip generation information indicates that the proposed hotel would generate a total of 5,268 two-way trips. This is comprised of 420 two-way trips in the AM peak and 413 two-way trips in the PM peak. The hotel is estimated to generate a total of 668 vehicle trips over the course of a day, with a total of 51 two-way trips (29 arrivals and 22 departures) in the AM peak. It is anticipated that the hotel will generate a total of 25 coach trips over the course of a day, with a peak of 8 two-way trips (3 arrivals and 5 departures) in the AM peak.

Table 6-2 Total People (All Mode) – Trips Rates and Trip Generation¹⁶

Time Period	Trip Rate (per 1 bedroom)			Trip Generation (842 bedrooms)		
	In	Out	Total	In	Out	Total
07:00 – 08:00	0.085	0.071	0.343	72	171	242
08:00 – 09:00	0.085	0.203	0.673	72	349	420
09:00 – 10:00	0.078	0.414	0.458	66	316	381
10:00 – 11:00	0.111	0.375	0.29	93	305	398
11:00 – 12:00	0.102	0.362	0.248	86	131	216
12:00 – 13:00	0.107	0.155	0.292	90	148	238
13:00 – 14:00	0.168	0.176	0.329	141	126	268
14:00 – 15:00	0.159	0.15	0.309	134	93	227
15:00 – 16:00	0.192	0.111	0.348	162	159	321
16:00 – 17:00	0.25	0.189	0.471	211	140	350
17:00 – 18:00	0.201	0.166	0.56	169	184	353
18:00 – 19:00	0.262	0.218	0.635	221	193	413
19:00 – 20:00	0.198	0.229	0.506	167	200	366
20:00 – 21:00	0.427	0.237	0.484	360	115	475
21:00 – 22:00	0.477	0.137	0.556	402	114	515
Daily (07:00 – 22:00)	2.929	3.328	6.257	2,466	2,802	5,268

5.5.11. A restaurant will be provided within the proposed hotel and the proposed trip generation has been discounted to account for linked trips. It is estimated that the restaurant would generate a total of 372 trips over the course of a day, with 66 two-way trips (36 arrivals and 30 departures) generated in the PM peak.

Table 6-5 Total People (All Mode) – Trips Rates and Trip Generation¹⁸

Time Period	Trip Rate (per 100 sqm)			Trip Generation (316 sqm, 20% linked trips discounted)		
	In	Out	Total	In	Out	Total
07:00 – 08:00	1.546	0	1.546	2	0	4
08:00 – 09:00	3.093	1.031	4.124	8	3	10
09:00 – 10:00	3.608	2.062	5.67	9	5	14
10:00 – 11:00	3.608	3.608	7.216	9	9	18
11:00 – 12:00	3.093	4.124	7.217	8	10	18
12:00 – 13:00	3.608	4.124	7.732	9	10	19
13:00 – 14:00	2.577	2.062	4.639	6	5	12
14:00 – 15:00	3.093	2.062	5.155	8	5	13
15:00 – 16:00	2.577	4.639	7.216	6	12	18
16:00 – 17:00	4.639	3.608	8.247	12	9	21
17:00 – 18:00	7.732	8.247	15.979	19	21	40
18:00 – 19:00	14.433	11.856	26.289	36	30	66
19:00 – 20:00	11.856	11.856	23.712	30	30	60
20:00 – 21:00	5.155	6.186	11.341	13	16	29
21:00 – 22:00	2.577	6.701	9.278	6	17	23
22:00 – 23:00	0	1.031	1.031	0	3	3
23:00 – 24:00	0.515	0.515	1.03	1	1	3
Daily (10:00 – 24:00)	73.71	73.712	147.422	186	186	372

5.5.12. The total of 5640 daily trips is anticipated to be generated by the proposed development. Most of these trips will be undertaken by active travel (42.9%) and public transport (37.2%). It is anticipated that 2418 two-way trips (1054 arrivals and 1364 departures) will be undertaken by rail/underground. 342 two-way trips (169 arrivals and 172 departures) are estimated to be undertaken by bus. It is estimated that 1754 total trips would be undertaken by rail or underground, with 889 arrivals and 865 departures.

Table 6-7 Total development – Multimodal Trip Generation Assessment²¹

Method of Travel	Mode Split	Number of Trips		
		Daily		
		In	Out	Total
Rail / Underground	31.1%	889	865	1754
Bus	6.1%	169	172	342
Coach Passengers	5.5%	166	143	309
Taxi	12.7%	341	374	714
Passenger in a car or van	1.9%	37	70	107
Bicycle	0.3%	8	8	15
On foot	42.6%	1046	1356	2403
Total	100%	2652	2988	5640

5.5.13. Aside from servicing, most of the vehicular trips to the site are likely to be by taxi (and private hire vehicle trips). The applicant has predicted the number of motor

vehicles (excluding service vehicles) to the site based on data for three hotel sites within London that were on the TRICS database. It is predicated that total of 714 two-way taxi trips (12.7% of the total trips) would be generated by the development, which is comprised of 341 arrivals and 374 departures across a day.

- 5.5.14. In response to objections received by residents, a further analysis of the impact taxis would have on the surrounding highway network was submitted by the applicant. The analysis suggested that it is unlikely that a significant proportion of taxis would 'rat-run' to the south of the site. Only taxis approaching the site from the west would be expected to rat-run and many of these taxis would choose to carry out a U-turn at the junction of the A4 with North End Road. The applicant states that in the scenario of 50% of taxis approaching from the west, and with a lot of these U-turning on the A4 only 11 taxis in the AM peak hour would choose to use roads to the south. In addition, it is proposed that the hotel operators would be required to use taxi services located to the east of the site.
- 5.5.15. In respect to the applicant's analysis it is noted that the presence of Heathrow Airport to the west of the site may result in more arrivals from the west than the developer consultant's 50% assumption. Also, with some satellite navigation applications using real time information to direct motorists the route taken by taxi and private hire companies will vary depending on traffic conditions. It is noted however that the magistrates court when it was functioning would have generated significant levels of taxi trips.
- 5.5.16. The proposed hotel development is expected to generate an increase in vehicle activity, it is considered that the proposed taxi trips associated with the site is likely to increase the impact on Margravine Gardens and other local roads leading to the site. Low Traffic Neighbourhood measures will be secured via s106 agreement to mitigate the impact of the increased taxi trips to the site.
- 5.5.17. Low Traffic Neighbourhoods are localised schemes to address issues associated with through traffic, speeding, congestion, accessibility, air quality and climate change. The scheme will consider the specific needs of the area, but could include the use of camera technology to limit through traffic as well as using conventional traffic management measures and will include measures such as:
- Access restrictions
 - School Streets, School Zones and Home Zones
 - Modal filters and cycle lanes
 - Cycle Parking
 - Traffic calming and speed reduction
 - Planting and dwell spaces
- 5.5.18. This will complement the desire to introduce more cycling and walking and also help to address traffic reassignment onto residential roads from the changes arising from other schemes. A financial contribution towards the implementation of a Low Traffic Neighbourhood scheme in the vicinity of the application site is required by the developer to mitigate the impact of taxis on local roads to the south of the site.

5.5.19. The Council's highways officer has considered the impacts of the proposed development in respect of trip generation alongside the submitted Transport Assessment and addendum and raises no objection to the proposals subject to required mitigation measures being secured.

Car Parking

5.5.20. London Plan Policy 6.1 states that proposals should encourage the reduction in the need to travel, especially by car. The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8) as necessary. The proposed development would result in the removal of the existing surface car park which has capacity for up to 28 car parking spaces which serve the former magistrate's court building. The proposed development is to be car-free, except for car parking spaces for blue badge holders and taxi pick-up/drop off located at ground floor level. The 4 car parking spaces for blue badge holders would be fitted with electric vehicle charging points (2 active and 2 passive) and 4 spaces would be provided off the forecourt for taxi pick-up/drop-off, in accordance with London Plan and Local Plan policies. Officers are supportive of the overall reduction in parking provision within the application site. The car parking spaces would be managed by the hotels and guests would be required to notify staff of their requirements prior to arrival as part of the hotel's booking arrangements.

Coach Parking

5.5.21. The London Plan states that hotel developments should provide one coach space per 50 bedrooms. Two coach bays are proposed and would be located on the new service road. Swept path analysis for a 12m coach has been tested entering/leaving and parking on the site has been included in the transport assessment. Coach drop offs are likely to take place outside the peak hours. Coach arrivals would be managed by staff on site to ensure that a maximum of two coaches arrive at the site at any one time. Trip generation estimates a maximum of 25 coach trips across the course of a day with 5 arrivals in the AM peak and 8 coach arrivals in the PM peak. Assuming a dwell time of 30 minutes per coach, it is considered that the coach parking provision is sufficient to accommodate the proposed coach trip generation. TfL have requested that a condition be attached limiting the size of coaches to a maximum of 14 metres in length. Officers consider that this and the general management of coaches arriving and leaving the site can be reasonably controlled through the Hotel Management Plan to be secured by the S106 agreement.

Cycle Parking

5.5.22. Policy 6.9 of the London Plan, Draft London Plan policy T5, and Local Plan Policy T2 seeks to develop and promote a safe environment for cyclists across the borough to encourage residents and businesses to consider these modes. Policy T3 seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, and safe secure cycle parking within the boundary of the site. Appendix 8 of the Local Plan seeks to ensure that satisfactory cycle parking is provided for all developments.

- 5.5.23. The Transport Assessment (TA) sets out the cycle parking requirements for all the land uses on the site. A minimum of 81 cycle parking spaces (45 long stay and 36 short stay) is required for the proposed development. Both hotels buildings would have their own respective cycle storage facilities. Hotel 1 would provide 22 spaces in a two-tier racking system and a Sheffield stand for accessible cycle spaces. Similarly, Hotel 2 would provide 20 cycle parking spaces in a two-tier racking system with Sheffield stands to accommodate larger bicycles. It is proposed that the storage facilities would be used mainly by staff and serviced by the concierge for any resident guests at the hotel who have cycled. 36 short stay spaces are proposed within the public realm. Details of the cycle parking provision are proposed to be secured by condition at no less than the minimum required.
- 5.5.24. The application is supported by a Cycling Level of Service (CLoS) audit, which concludes that the conditions for cycling in the local area are slightly below average. There is access to cycle routes relatively close to the site, however, safety on busy roads such as Fulham Palace Road, Hammersmith Gyrotory, Talgarth Road and Hammersmith Road affected scores. Nonetheless, the CLoS audit identifies some further enhancements which could make cycle use more attractive and ensure that car trips are minimised.

Travel Plan

- 5.5.25. A framework Travel Plan has been submitted alongside the transport assessment which sets out the objectives and measures to be incorporated in a full Travel Plan which would aim to target both staff and guests. The travel patterns of employees, hotel guests and office employees will be influenced by the predominantly car free nature of the development. The Council's highways officer is satisfied with the framework document and recommends a full Travel Plan in line with Transport for London guidance, together with allowance for periodic monitoring by the Council, and revision if necessary. The framework Travel Plan seeks to manage the predicted sustainable travel patterns to and from the site and to increase the sustainable travel mode share in place of cars, taxis and private hire vehicles. As part of any S106 agreement, a more detailed Travel Plan for the different elements of the hotel led development would be subject to ongoing monitoring and review, to encourage users of the development to travel by sustainable modes other than the car. It is considered that there is capacity within the existing public transport network to accommodate the trips proposed from this development. Officers welcome the provision of a Travel Plan in support of the proposal for sustainable travel for occupiers of the development. A Construction Workers Travel Plan would also be required with a monitoring fees of £5,000 per annum until completion of works to be secured through the S106 agreement.

Walking

- 5.5.26. The application is supported by a Pedestrian Environment Review System (PERS) audit, which concludes that the conditions for walking in the local area and access to the site from nearby public transport nodes are generally good. The existing footway on the southern side of Talgarth Road borders the northern boundary of the site and is opposite the elevated flyover. This footway provides a walking connection between the site and Barons Court Station to the east and

the centre of Hammersmith to the west, including all public transport services, to the north-west. There are a series of signalised pedestrian crossings on Talgarth Road, providing various walking routes to the centre of Hammersmith. These crossings mitigate against the severing effects of the Hammersmith gyratory and A4 slip roads. The proposed hotel development is expected to generate an increase in footfall activity in and around the site when compared with the former magistrates' court. However, this is not considered to be at a scale which would be problematic. The proposed development aims to increase pedestrian permeability into the site by providing internal pedestrian walkways each connected to and centred around the garden square and onto Talgarth Road.

- 5.5.27. The PERS audit identifies some further enhancements that could make pedestrian access and wayfinding from the surrounding area to the site more convenient and safer. The underpass has recently been "greened" using Business Improvement District (BID) funding. It is expected that most trips associated with the development would arrive and depart on foot, connecting to the various public transport options within walking distance of the site at Hammersmith underground and bus stations or Baron Court station. The applicant has submitted proposals to improve areas of the public highway between the site and Hammersmith Station in accordance with policy T2 of the Draft London Plan and TfL's Health Streets principles. The applicant is required to enter into a s278 agreement with TfL who are the Highway Authority for Talgarth Road (A4) to deliver the works to the public highway.

Refuse and Servicing/Delivery

- 5.5.28. London Plan Policy 5.16 seeks to minimise waste and exceed recycling levels. Local Plan Policy CC7 seeks for all developments to have suitable facilities for the management of waste generated by the development. Key Principle TR27 of the Planning Guidance SPD seeks off-street servicing for all new developments. Appendix 5d of the SPD sets specific guidance on waste capacity and storage requirements for different commercial uses. It states that for hotels, 7,500 litres of waste storage are required per 1,000m² per week.
- 5.5.29. The applicant has submitted a draft delivery and servicing plan. Adequate refuse storage for both the hotel and retail premises is provided within clearly defined areas on the site. The Council's highways officer raises no objections in principle to this document, which provides detail on the operational servicing of the premises.
- 5.5.30. Delivery and servicing vehicles would be marshalled to the servicing yard upon arrival. The servicing yard is in the north-east corner of the site and can accommodate one large vehicle (14.6m) without impacting the use of the two proposed coach spaces. It is estimated using the TRICS database that up to 12 delivery and servicing trips would be generated daily. If the proposed hotels coordinate and consolidate deliveries this may be reduced to 8 daily trips
- 5.5.31. On review of the site vehicle and service management plan and having regard to the existing highway conditions on Talgarth Road, officers are satisfied that through appropriate management and timing of deliveries, the delivery and servicing requirements of the development can be undertaken without prejudice to the use of Talgarth Road. Nonetheless, the applicant is required to update the

delivery and servicing plan to include a commitment to prevent delivery/servicing of the site via residential streets. A final Delivery and Servicing Plan would be secured by condition.

Construction

5.5.32. An Outline Construction Logistics Plan (CLP) have been submitted by the applicant in accordance with Policy T7 of the Local Plan. Final documents including works associated with the demolition phase would be required to include updated construction vehicle routing, updated construction vehicle numbers, and other matters relating to traffic management to be agreed. The documents at this stage identifies preliminary proposals to manage the demolition and subsequent construction processes, including details regarding environmental and amenity mitigation, site logistics, traffic management and routing, health and safety, community liaison etc. To minimise the likelihood of congestion during the construction period, strict monitoring and control of vehicles entering and exiting, and routing and travelling to and from the site, would need to be implemented through the CLP. It is proposed that construction vehicles arriving from the west will head to the site via Fulham Palace Road, Lillie Road, North End Road and Talgarth Road. A final plan of proposed routes to and from the site is required with the submission of the detailed CLP. Construction deliveries would also need to be carefully planned with delivery times agreed with each contractor in order to regulate deliveries and eliminate bottle necks on surrounding roads. At this early stage, the information has yet to be fully finalised, and the documents need to be developed. Officers consider this information needs to be provided in compliance with TfL guidelines. The documents would need to be developed to be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by condition.

Summary

5.5.33. Subject to the submission of the required documents by condition or obligation and the mitigation to the impacts of the development required by way of legal agreement, officers consider that the proposed development would be acceptable and in accordance with London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13 and Local Plan policies T3, T4, T5, T7 and CC7.

5.6 Energy and Sustainability

5.6.1 **The NPPF** state that development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.

5.6.2 **London Plan Policies 5.1, 5.2 and 5.3** require developments to make the fullest contribution to the mitigation of and adaptation to climate change, ensure sustainable design and construction and minimise carbon dioxide emissions. **Policies 5.5, 5.6, 5.7 and 5.8** require developments to provide decentralised energy, renewable energy and innovative energy technologies where appropriate.

- 5.6.3 **The Mayor's Sustainable Design and Construction SPG** provides guidance on the implementation of London Plan Policy 5.3 and provides a range of additional guidance on matters relating to environmental sustainability.
- 5.6.4 **Draft London Plan Policy SI2** seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.
- 5.6.5 **Draft London Plan Policy SI3** identifies Heat Network Priority Areas, which include the Fulham Gasworks site. Here, major proposals should have a communal heat system in accordance with a hierarchy that priorities connection to local existing or planned heat networks, followed by: use of available local secondary heat sources; generation of clean heat/power from zero-emission sources; and use of fuel cells. CHPs are ranked fifth of the six options, followed by ultra-low NOx gas boilers. Supporting text explains that further information about the relevance of CHP in developments of various scales will also be provided in an Energy Planning Guidance document, which will be kept updated as technology changes, however this guidance has not yet been published. The draft Plan states that it is not expected that gas engine CHP will be able to meet the standards required within areas exceeding air quality limits with the technology that is currently available.
- 5.6.6 **Draft London Plan Policy SI4** seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.
- 5.6.7 **Local Plan Policy CC1** requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible.
- 5.6.8 **Local Plan Policy CC2** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.

Energy

- 5.6.9 As required, an Energy Assessment has been submitted with the application. No residential units are proposed so in line with the London Plan, the development

will be expected to reduce annual CO2 emissions by at least 35% compared to the 2013 Building Regulations baseline and will not need to meet zero carbon standards. The London Plan Energy Hierarchy has been followed in developing an Energy Strategy for the scheme which has prioritised the inclusion of energy efficiency measures and low and zero carbon energy generation on-site.

- 5.6.10 The Energy Strategy for the site is to integrate energy efficiency measures and low/zero emission technologies such as Air Source Heat Pumps and solar PV panels. Reference is made to the requirements of the 2019 draft London Plan, in particular the requirement for non-residential major schemes such as this to reduce their CO2 emissions by 15% through the use of energy efficiency measures alone.
- 5.6.11 A Building Regulations compliant scheme has been calculated as emitting 1,594 tonnes of CO2 a year. This is a large improvement over the baseline for the previous scheme under consideration (2020/00195) for this site which was calculated to be 1,864 tonnes of CO2 a year. The proposed energy efficiency measures include improved insulation, better airtightness to reduce heat loss, heat recovery on ventilation systems and energy efficient lighting. The previous scheme included a Combined Heat and Power (CHP) system but this has been removed from the new scheme. Air Source Heat Pumps (ASHPs) will be used instead to provide part of the demand for space heating and hot water. On-site renewable energy generation is also proposed in the form of solar PV panels.
- 5.6.12 Overall, the carbon reduction measures provide a 37% reduction in emissions compared to the baseline set by the Building Regulations 2013, which meets the London Plan 35% minimum target. This would be sufficient to meet the London Plan 2016 targets and requirements.
- 5.6.13 In broad terms, the approach is acceptable in energy policy and CO2 reduction terms although there may be scope to revise the approach with regards to on-site energy generation. As such a revised Energy Assessment is considered appropriate prior to the commencement of the relevant works and secured by condition.

Sustainability

- 5.6.14 As required of a major development, A Sustainability Statement has been provided as has a BREEAM Pre-Assessment report which is in the form of 2 assessments, one for Hotel 1 and one for Hotel 2. Both assessments show that if the identified credits are achieved as outlined then the development would achieve a BREEAM rating of "Excellent". In addition to the carbon reduction measures outlined in the Energy and Sustainability Assessment (see separate comments), other measures that will be designed in include water efficiency, waste management and recycling facilities, use of building materials with low environmental impacts where possible, including recycled materials where feasible, inclusion of measures to minimise noise pollution and air quality impacts, flood risk and sustainable drainage measures (see separate comments), sustainable transport measures and biodiversity improvements. The development site will also be registered with the Considerate Constructors Scheme to encourage environmentally and socially considerate ways of working

and reduce adverse impacts arising from the construction process. The proposed approach in terms of sustainability is welcomed.

- 5.6.15 Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above, requiring submission of Sustainability, BREEAM and Energy Statements, officers therefore consider that the proposed development accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan and Policies CC1, CC2 and CC7 of the Local Plan.

5.7 Flood Risk and Drainage

- 5.7.1 **The NPPF** seeks to meet the challenge of climate change, flooding and coastal change by supporting the transition to a low carbon future in a changing climate taking account of flood risk and coastal change.
- 5.7.2 **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. Policy 5.3 identifies the efficient use of natural resources (including water) as a principle for informing the achievement of other policies in the London Plan. Policy 5.11 Part A subsection b recognises the role of green roofs and walls in delivering sustainable urban drainage objectives. Policy 5.13 further states that development should utilise SuDS unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and manage surface water run-off close to source. Policy 5.14 states that planning decisions must ensure that adequate waste water infrastructure capacity is available in tandem with development.
- 5.7.3 **Local Plan Policy CC2** requires major developments to implement sustainable design and construction measures, including making the most efficient use of water.
- 5.7.4 **Local Plan Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 5.7.5 **Local Plan Policy CC4** ('Minimising surface water run-off with sustainable drainage systems') requires all proposals for new development to 'manage surface water run-off as close to its source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy'. It also requires all major developments to implement SuDS 'to enable reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100-year event (plus climate change allowance)' and to provide a sustainable drainage strategy to demonstrate how the strategy will enable these requirements. These are to be retained and maintained for the lifetime of the development, with details of their planned maintenance to be provided.

- 5.7.6 **Draft London Plan Policy SI13** sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be design and implemented to address water efficiency, river quality, biodiversity and recreation.
- 5.7.7 The site is well defended by flood defences in the form of the Thames Barrier and river wall defences. If these were breached or over-topped, Environment Agency modelling suggests the site would not be impacted. The railway cutting to the south of the site would most likely intercept flows in the worst case scenario. The site is not in a surface water flooding hotspot although there could be some ponding of water in the event of a major storm. Surface water will be managed by implementing a Sustainable Drainage Strategy which will be commented on separately. Basements are not proposed, so groundwater and sewer flooding are not flood risks that will need to be mitigated.
- 5.7.8 The FRA notes that, based on EA guidance, it is recommended that Finished Floor Levels (FFLs) should be set at 5.1m AOD. This is based on EA guidance of applying 300mm above ground level. It is also stated that it is recommended that a Flood Action Plan is prepared to provide for safe access and egress procedures during a flood. Other recommendations have also been made for the inclusion of flood resistance measures and flood resilient materials to both the basement and ground floor level. The FRA therefore makes recommendations for finished floor levels and mitigation and it is therefore considered appropriate to condition the implementation of the submitted FRA.
- 5.7.9 Thames Water have raised no objection to the proposal. The Environment Agency do not object to the proposal and comment that the proposed development will result in a 'less vulnerable' use as defined by Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change within Flood Zone 3a. In line with Table 3, this use class is considered appropriate within Flood Zone 3 providing an adequate Flood Risk Assessment (FRA) is undertaken and demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. Although the application site is located within Flood Zone 3a, it is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. In addition, the EA's most recent breach hazard modelling study (June 2017) shows the site to be outside of the areas impacted by flooding if there was to be a breach in the defences or they were to be overtopped.
- 5.7.10 Subject to the inclusion of conditions requiring the submission of a Surface Water Drainage Strategy and adherence to the submitted Flood Risk Assessment officers consider that the proposed approach would be acceptable and in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan which requires development to minimise future flood risk.

5.8 Air Quality

- 5.8.1 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). Paragraph 124 relates to air quality and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.

- 5.8.2 **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. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.
- 5.8.3 **The Mayor's Air Quality Strategy (2010)** seek to minimise the emissions of key pollutants and to reduce concentrations to levels at which no, or minimal, effects on human health are likely to occur.
- 5.8.4 **Local Plan Policy CC10** seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements.
- 5.8.5 The development site is within the borough wide Air Quality Management Area (AQMA). The cumulative impact of the demolition, construction and operation of the proposed development because of increased vehicle and combustion based energy plant emissions will result in exceedance of the annual mean APEC B (38ug/m-3) for NO2 at existing off-site residential receptors and future on-site B1 and C1 receptors.
- 5.8.6 The Air Quality Assessment shows that there is no significant impact on local air quality during the operation phase. It is noted that there is not expected to be an exceedance of the one-hour objective at any onsite location where there is relevant exposure. Conditions are proposed for various air quality control measures in relation to both construction and operational phases of the proposal.
- 5.8.7 Due to the uplift in floorspace and use of the site there will be an impact with regards to air quality locally, however the overall impact is considered acceptable. Subject to the inclusion of conditions prior to the commencement of above ground works for each phase of the development to address the above mitigation measures, officers consider that the proposed development can accord with Policies 7.14 of the London Plan and Policy CC10 of the Local Plan.

5.9 Contamination

- 5.9.1 **London Plan Policy 5.21** explains that 'the Mayor supports the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment, and to bring contaminated land to beneficial use'. For decision-making, the policy requires 'appropriate measures' to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

- 5.9.2 **Local Plan Policy CC9** requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused 'unless practicable and effective measures are to be taken to treat, contain or control any contamination'. Any permission will require that any agreed measures with the council to assess and abate risks to human health or the wider environment are carried out as the first step of the development.
- 5.9.3 **Key principles LC1-6 of the Planning Guidance SPG** identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.
- 5.9.4 The Phase 1 Contamination Assessment notes that the Site is reported to have a number of potentially contaminative historic and current land, with the area surrounding the Site being uses as a number of potentially contaminative land uses (both historical and current). The Assessment identifies significant pollution pathways within the Site and surrounding area. However, it is considered appropriate to attach conditions in relation to risk assessment and remediation.
- 5.9.5 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with Policies 5.21 and Policy CC9 of the Local Plan given that all identified potentially significant effects during the demolition and construction and the operational stages can be suitably adequately mitigated, such that the significance of the residual effects of the Proposed Development will be negligible and that the land will be suitable for the proposed uses

5.10 Noise

- 5.10.1 **London Plan Policy 7.15** states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, a development and promoting new technologies and improved practices to reduce noise.
- 5.10.2 **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'.
- 5.10.3 **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'.
- 5.10.4 Officers consider that the impacts for noise and vibration have been satisfactorily assessed in the submitted Environmental Statement. The proposed limits and

mitigation measures are acceptable however specific details will be required to be submitted for each phase of the development. It is therefore considered appropriate to require these details, including insulation and anti-vibration measures for machinery and plant by condition.

- 5.10.5 The acoustic report submitted assesses the impacts of reflected noise from the new design proposals and while there is a slight increase in the ambient levels due to reflected noise, the modelled increase is in the order of 0.1 to 0.3 dB Le. For reference the human ear can only discern a change in noise levels of around 3dB and therefore the impacts have been assessed to be negligible. Residents have raised concerns with regard to the delay in the reflected sound being heard and additional noise. The report has considered this echo effect and modelled that the reflected sound from the development will arrive at the residential receptors within a few milliseconds and before the sound reflected of the Ark building. As stated in the report, this means that the additional sound will less likely to be perceived as distinct and intelligible sound than reflections off the existing environment. Officers concur with the findings of the noise assessment and as such have no objections based on the information submitted.
- 5.10.5 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with Policies 7.15 of the London Plan and Policies CC11 and CC13 of the Local Plan.

5.11 Wind and Microclimate

- 5.11.1 **London Plan Policy 7.6** states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings in relation to (inter alia) wind and microclimate. London Plan Policy 7.7 states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing.
- 5.11.2 **The Mayor's Sustainable Design and Construction SPG** recognises at paragraph 2.3.7 that large buildings can alter their local environments and affect the micro-climate and notes that the Lawson Comfort Criteria can be used to assess the impact of a large building on the comfort of the street environment. Its further states that developers should assess the potential impacts at ground level of any building that is significantly taller than its surroundings.
- 5.11.3 **Local Plan Policy DC3** states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing.
- 5.11.4 **Local Plan Policy CC2** seeks to ensure that developments are comfortable and secure for users and avoid impacts from natural hazards. In supporting text paragraph 13.7 explains that this policy is intended to ensure that developments help to enhance open spaces and contribute to well-being.
- 5.11.4 **Draft London Plan** further addresses wind and microclimate. Indirectly, draft **Policy GG1** requires streets and public spaces to be planned for circulation by the comfort in comfort and safety, and to be welcoming. More directly, draft Policy D8 addresses the environmental impact of tall buildings, requiring careful

consideration of the wind (and daylight, sunlight penetration and temperature) conditions around tall buildings and their neighbourhoods so that they do not compromise the comfort and enjoyment of them. Draft paragraph 3.1.2 further states the importance of a comfortable pedestrian environment with regard to levels of sunlight, shade, wind, and shelter from precipitation.

5.11.5 Chapter 4 of the Environmental Statement assesses the wind microclimate as a result of the proposal which identified residual and adverse effects that would be able to be mitigated through the inclusion of landscaping plans and other wind mitigation measures which include:

- Thoroughfares: Thoroughfares with conditions windier than suitable for the intended use during the windiest season would benefit from the inclusion of landscaping elements (sculptures or large crown trees at least 5m in height) around the north-western corner of the South Hotel would be expected to improve wind conditions;
- Entrances: Recessing entrances by at least 1.5m from the local façade line, providing shelter through dense landscaping at least 1.5m in height and extending at least 1.5m from the façade or introducing screens at least 2m in height, extending 1.5m from the façade and more than 50% porous on one or both sides of the entrance would be expected to improve wind conditions;
- Ground Floor, Podium and Roof Terrace Amenity Space: Should seating provisions be intended for the areas with wind conditions suitable for standing use, additional shelter comprised of dense planting or hedging at least 1.5m in height or screens at least 1.5m in height and no more than 50% porous on the two adjacent sides of the seating area would be expected to provide shelter for occupants.
- Strong winds on Talgarth Road to the north of The Ark would occur at the existing site further wind mitigation would not be required at this location. The landscaping in this location is secured by way of the s278 highways agreement.

5.11.8 Subject to the inclusion of conditions requiring the implementation the mitigation measures required, officers consider that the proposed development accords with Policies 7.6 and 7.7 of the London Plan and Policies DC3 and CC2 of the Local Plan in terms of wind and microclimate.

5.12 Arboriculture, Ecology and Biodiversity

5.12.1 **The NPPF (Paragraphs 168 and 173)** explains that pursuing sustainable development involves (inter alia) ‘moving from a net loss of bio-diversity to achieving net gains for the future’. **Paragraph 99** requires new developments to be planned to avoid increased vulnerability to climate change impacts, which include changes to biodiversity. **Paragraph 109** states that the planning system should contribute to ‘minimising impacts on biodiversity and providing net gains in biodiversity where possible’. Planning decisions should encourage opportunities to incorporate biodiversity in and around developments and refuse development resulting in harm where this that cannot be adequately mitigated – or as a last resort, compensated. **Paragraphs 170 and 175** relate to conserving and enhancing the natural environment. Of particular relevance is Paragraph

170 which advises that planning policies and decisions should contribute to and enhance the natural and local environment.

- 5.12.2 **London Plan Policy 7.19** requires development proposals to make positive contributions to biodiversity (its protection, enhancement, creation and management) wherever possible and to prioritise improving access to nature in arrears deficient in accessible wildlife sites. **Policy 7.21** of the London Plan supports the retention of existing trees of value and encourages the provision of additional trees, particularly large-canopied species, in new developments.
- 5.12.3 **Local Plan Policies OS1 and OS5** seeks to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.
- 5.12.4 **Draft London Plan** sets more ambitious targets for ecology and urban greening, which includes a target to increase tree cover in London by 10% by 2050.
- 5.12.5 **Draft London Policy G5** states that major development proposals should 'contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage'. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments, based on Urban Greening Factors set out in Table 8.2 of the draft Local Plan. Higher standards of greening are expected of predominately residential developments (target score 0.4).
- 5.12.6 **Draft London Policy G7** states that existing trees of quality should be retained wherever possible or replace where necessary. New trees are generally expected in new development, particularly large-canopied species.
- 5.12.7 The existing site features 31 trees with 29 trees being identified for removal, of which none are Category A. The scheme will deliver a new landscape with a 46% increase in the quantum of trees across the site. 44 high quality trees will be planted within the public realm with a further 10 trees planted on the Mezzanine level. The trees to be retained will require formative facilitative tree works. Formative pruning and careful pruning to provide clearance for vehicles will be required for T9 and T15, formative pruning is recommended for T32 and T33 and careful pruning of overhanging branches will be required for T34 and T35. Although there is a loss of trees on site, the proposed development will see an increase of 146% trees.
- 5.12.8 The submitted Ecology Appraisal notes that a tree and the existing building within the site contain features that would be suitable for use by bats and nesting birds. There are no other habitats which are suitable to support other protected species. A summary of actions required is provided at Table 2. the habitats on site are not of ecological significance, this is predominately due to the limited vegetation and habitats on site. With appropriate mitigation and enhancement there is likely to be no discernible impact on wildlife identified. The

proposed development incorporates a new public and incorporates measures to enhance the biodiversity value including wildlife planting as part of the landscaping and a biodiverse roof. The details of the proposed landscaping and the measures proposed would be secured by condition.

- 5.12.9 Subject to the inclusion of conditions officers consider that the proposed development accords with Policies 7.19 and 7.21 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of ecological and urban greening.

5.13 Security

- 5.13.1 **The NPPF** seeks to ensure that planning decisions promote public safety and take into account wider security and defence requirements. They should anticipate and address all plausible malicious threats and natural hazards and create safe, inclusive and accessible places that have high levels of amenity and do not undermine quality of life, community cohesion and resilience to due crime and disorder.
- 5.13.2 **London Plan Policy 7.13** states that through planning decisions development proposals should include measures to design out crime in a manner that is 'in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help deter its effects'. Policy DC1 seeks to ensure that new developments, new publicly accessible open spaces and new community and leisure facilities are inclusive and accessible, contribute to improving quality of life and reducing the incidence of crime and anti-social behaviour (paragraphs 2.57, 10.5 and 12.3).
- 5.13.3 Discussions have taken place between the applicant's design team and the local police Designing Out Crime Officer/Architectural Liaison Officer. The overall security strategy and design intent is considered acceptable at this stage and the next stage of the process is to continue dialogue with the applicant and architects to agree the detail of measures to be incorporated within the development. Full final details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment would therefore be secured by a condition.
- 5.13.4 The proposals are considered to be well designed and in accordance with the NPPF, Local Plan, and Policy DC1 of the Local Plan which requires development to reduce the opportunities for criminal behaviour.

5.14 Archaeology

- 5.14.1 **London Plan Policy 7.8** states that new development should make provision for the protection of archaeological resources. **Local Plan Policy DC1** states the following: 'The existing character of the borough is heavily influenced by a variety of historical, landscape and architectural assets. Some of these are of national importance, such as listed buildings and the Fulham Palace Moated Site, whereas others are of borough importance, including archaeological priority areas... and locally listed buildings of merit. However, whether they are of national or local importance, they should be considered in all developments in accordance with the policies of the National Planning Policy Framework (NPPF)

and the associated Historic England Historic Environment Planning Practice Guide'. **Policy DC8** states that the council would conserve the historic environment by protecting, restoring and enhancing its heritage assets and sets criteria for planning applications. Supporting paragraph 5.2.3 states that where the preservation of remains in situ is not possible or is not merited, planning permission may be subject to conditions and/or formal agreement requiring the developer to secure investigation and recording of the remains and publication of the results.

- 5.14.2 The site is not located with an Archaeological Priority Area. The closest APA is located approximately 300m to the east and comprises Hammersmith Creek, Queen Caroline Street and the Broadway. A desk-based archaeology assessment was prepared. The assessment was submitted with the ES on the basis that the proposal comprises a potentially large major development which could harm heritage assets of archaeological interest, including significant remains which are present on the site. The authors' view however is that the site has low archaeological potential and due to past activity at the site, it was not considered necessary to prepare a specific EIA chapter on the potential for significant impacts on archaeology. Given the identified low potential for archaeological remains within the site and depth of made ground, archaeological works would likely take the form of a watching brief. If significant archaeological remains were encountered, then further archaeological fieldwork, post-excavation analysis and reporting, including publication may also be required.
- 5.14.3 Historic England's – The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to the borough and were consulted. To date no response has been received in respect to this application. Although the site has been identified with a low potential to contain archaeological assets, a watching brief as set out above is recommended by officers to be undertaken during the basement and ground works in accordance with an approved Written Scheme of Investigation (WSI). This would be secured by condition.

5.15 Accessibility

- 5.15.1 **Local Plan Policy DC1** requires all development to be of a high quality and should have an approach to accessible and inclusive urban design. **Policy D2** requires new buildings to follow the principles of accessible and inclusive design. **Planning SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13** requires all applications to ensure the buildings are designed to be accessible and inclusive to all who may visit or use the building, to remove barriers to all members of the community and how the accessibility will be managed when operational, provide proportion of hotel rooms to be for use by disabled people, have minimum widths and gradients for accesses, essential lifts, toilets and other required facilities and to engage and consult with disabled people.
- 5.15.2 The Mayor's intend to publish London Plan Policy E10 specifically requires that 10% of hotel rooms are delivered as wheelchair accessible units from the outset or that 15 per cent of new hotel bedrooms are accessible in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment. The application documents confirm that 15% of the northern hotel and 10% of the southern hotel accommodation

will be accessible or wheelchair adaptable and meet relevant standards. An Inclusive Accessibility Management Strategy is secured by way of condition.

5.15.4 It is therefore considered that the proposal will provide a high quality environment for disabled and impaired members of the community and the commitments within the Access Statement are positive and deliverable by way of conditions and reserved matters applications. As such the proposal will comply with Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13.

6.0 SECTION 106 HEADS OF TERMS AND CIL

S106 Heads of Terms

- 6.1 **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’.
- 6.2 **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 on to state: ‘Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.’
- 6.3 **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). The application site does not attract local borough CIL so relies on s106 for necessary infrastructure.
- 6.4 The application Heads of Terms are as follows:
- Social, physical, economic and transport infrastructure contribution (Strategic Policy HRA and INFRA1) of £5,450,000 (including administrative and legal costs associated with the application)
 - Climate change contribution (Strategic Policy HRA, INFRA1 and CC1) of £1,065,000
 - Low Traffic Neighbourhood scheme contribution (Policy T1) of £500,000
 - Economy/jobs/local procurement contribution of £450,000 comprising local employment, skills and training targeting: 21 apprentices, 64 work placements and 30 full-time operational phase workers.
 - Each apprentice and work placement attracts a contribution of £3,500 with a contribution of £311.500

- Each full-time operational worker attracts a contribution of £3,500 with a contribution of £105,000
- Local procurement amounting to 10% of the total construction cost
- Local procurement fee of £8,250
- Non-compliance with the agreed number of apprentices and placements attracting a contribution of £7,000 per apprentice/placement not created
- No business parking permits
- Blue badge parking
- Monitoring fee of up to £5,000 per year
- Travel Plans for each land use to be monitored at years 1, 3 and 5 at a monitoring fee of £5,000 per submission (£15,000 in total)
- Travel Plan for the construction period with a monitoring fee of £5,000 per year of construction (estimated at £15,000 in total)
- Highway works by s278 agreement

Local and Mayoral CIL

6.5 This development would be subject to a London wide community infrastructure levy. The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012. 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 and is chargeable in this case at £80 per square metre uplift in floor space (GIA).

7.0 CONCLUSION

7.1 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

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. It is considered that the proposal is acceptable in land use and design terms. The quantum of the proposed land uses and the resulting nature of the site does not give rise to any unacceptable impacts and will amount to sustainable development in accordance with the National Planning Policy Framework.

7.3 The proposal would result in the redevelopment of a vacant building, in a prime town centre location and the construction of a two hotel buildings up to 23 storeys in height, affordable workspace and meeting rooms, public accessible roof top bar and garden space and a basement cultural facility. The reasons set out in this report, officers consider the development would have a positive impact on the viability and vitality of the town centre, with substantial public gain with regard to employment opportunities during construction and operation in addition to the benefits realised by the cultural offer, the introduction of permeability through the site, the public bar and the linkage of the site to the town centre.

- 7.4 The proposal would contribute strongly to building a strong, responsive and competitive local economy, that would contribute to the function of the town centre and would create further employment opportunities in a mixed and varied way leading to a range of uses. The redevelopment and the proposed uses would also contribute by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposed development will achieve an excellent sustainability rating, will exceed London Plan target with regards to CO2 savings and would see a reduction of car parking spaces on site with the introduction of policy compliant cycle spaces and adapting to climate change.
- 7.5 It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with good quality good hotel, cultural and commercial accommodation. The development would provide new high-quality public realm. The height, scale and massing of the proposed built form is appropriate and provides a satisfactory design response to the site and surrounding townscape at its edges. The elevations have an architectural character which provides interest across the frontages. The relationship between the built form and public realm would assist in the creation of a sense of place. Where harm has been identified to heritage assets, including both the Mall, and Barons Court conservation areas, it is considered this is outweighed by the substantial social, economic and environmental public benefits that the proposal would deliver.
- 7.6 The proposed development is considered to have an acceptable impact upon the amenities and living conditions within surrounding properties in respect of daylight, sunlight, over-shadowing, overlooking/privacy, noise, and vibration impacts. Although there are recorded incidences whereby the impacts exceed the BRE technical guide for daylight, there are very few overall transgressions and the extent of level changes are considered acceptable. With regards to noise and privacy impacts, the proposals are acceptable on the basis that planning conditions are secured to limit the additional impacts to arise out of the development, including those during construction. Potential impacts in terms of air quality, light pollution, and noise would be acceptable regarding the various mitigation methods proposed which are secured by condition. In this regard, the development would respect the principles of good neighbourliness.
- 7.7 A high quality development is proposed and the principle of a re-developed site as set out is in accordance with the development plan when taken as a whole. It delivers substantial design, heritage and public benefits that are considered to outweigh the harm to designated heritage assets. 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.
- 7.8 Accordingly, it is recommended that the proposal be granted subject to the conditions listed, the completion of s106 and no contrary direction from the Mayor of London.

Appendix 1: Neighbour Comments

Date	Address
15/4/20	86 Yeldham Road
16/4/20	Maple Lodge Sewage Treatment Works, Denham Way
17/4/20	27 Beryl Road, London
21/4/20	13 Margravine Gardens
24/4/20	35 Margravine Gardens
24/4/20	64 Margravine Gardens
24/4/20	Crabtree/Colet Gardens
25/4/20	70 Margravine Gardens
26/4/20	Barons Court No3 St Dunstans Road
27/4/20	55 St Dunstans Rd
28/4/20	41 St Dunstans
28/4/20	64 Margravine
28/4/20	95 St Dunstans Rd
29/4/20	113 Cheesemans Terrace
29/4/20	97 St Dunstans
30/4/20	44 Ravenscourt Gardens
30/4/20	47 St Dunstans
30/4/20	56 Margravine Gardens
1/5/20	7 St Dunstans Rd
1/5/20	70 Margravine Gardens
1/5/20	28 St Dunstans Rd
2/5/20	48 Margravine Gardens
2/5/20	48 Margravine
3/5/20	50 Margravine
4/5/20	114a Dawes Rd
4/5/20	13 Colet Gardens
4/5/20	13 Colet Gardens
4/5/20	131 Claxton Grove
4/5/20	15 St Dunstans
4/5/20	25 Cloncurry St
4/5/20	25 Margravine
4/5/20	25 Margravine
4/5/20	32 Vereker Rd
4/5/20	36 St Dunstans Rd
4/5/20	36 St Dunstans RD

4/5/20	39 Turneville Rd
4/5/20	5 St Dunstans
4/5/20	55 Margravine Gardens
4/5/20	60 Margravine
4/5/20	61 Margravine
4/5/20	61 St Dunstans
4/5/20	62 Barons Court
4/5/20	7 St Dunstans
4/5/20	79 St Dunstans
4/5/20	82 Margravine
4/5/20	90 Margravine
5/5/20	56 Margravine
5/5/20	58 Margravine
6/5/20	10 Lena Gardens
6/5/20	15 Margravine
6/5/20	16 Beryl Road
6/5/20	17 Claxton Grove
6/5/20	27 Parkville Road
6/5/20	36 Kinnoul Rd
6/5/20	26 St Dunstans
6/5/20	36B Reporton Rd
6/5/20	41B Beryl Road
6/5/20	46 Yeldham Road
6/5/20	48 Yeldham Road
6/5/20	51 Kinnoul Road
6/5/20	76 Yeldham Road
6/5/20	84 Margravine Gardens
6/5/20	87 St Dunstans
6/5/20	9 Lochaline St
6/5/20	91 St Dunstan's Road
7/5/20	2 St Dunstan's
7/5/20	20 Dewhurt Road
7/5/20	33A Talgarth Road
7/5/20	35 Larnach Road
7/5/20	50 Yelham Road
7/5/20	62 Yelham Road
7/5/20	70 Margravine
7/5/20	70 Margravine
7/5/20	75 Edith Road
7/5/20	86 Yelham Road

7/5/20	Flat B 78 Biscay Road
7/5/20	164 Riverside Gardens
8/5/20	2B Lochaline St
8/5/20	7 Upper Mall Hammersmith
9/5/20	50 Orbain Road
9/5/20	59 St Dunstans
9/5/20	71 St Dunstans
10/5/20	35 Barons Court
10/5/20	46 Margravine Gardens (GF)
10/5/20	59 St Dunstan's Rd
10/5/20	59 St Dunstans
10/5/20	59 St Dunstans
10/5/20	St Dunstans
10/5/20	67 Margravine Gardens
10/5/20	71 Margravine Gardens
10/5/20	73 Beryl Road
10/5/20	79 St Dunstans
11/5/20	45 Margravine
11/5/20	1 Emlyn Road
11/5/20	114 Claxton Grove
11/5/20	135 Talgarth Road
11/5/20	16 Margravine
11/5/20	2 Gastein Road
11/5/20	21 Biscay Road
11/5/20	45 St Dunstans
11/5/20	48 Margravine
11/5/20	68 Margravine
11/5/20	68 Margravine
11/5/20	73 St Dunstans
11/5/20	97 St Dunstans
12/5/20	17 St Dunstans
12/5/20	34 Bedford Gardens
12/5/20	55 Margravine Gardens
12/5/20	57 Beryl Road
12/5/20	57 Yeldham Road
12/5/20	53 Margravine Gardens
12/5/20	59 Margravine Gardens
12/5/20	68 Margravine Gardens
12/5/20	85 St Dunstans Road
12/5/20	Flat 8 Palliser Court

12/5/20	1 Rosaville Road - Fulham Society
13/5/20	101 St Dunstans
13/5/20	131 Claxton Grove
13/5/20	15 Palliser Court
13/5/20	15 Palliser Court
13/5/20	176 Old Bedford Road
13/5/20	20 Glenthams Road
13/5/20	21 Margravine Gardens
13/5/20	23 Fitzgeorge Ave
13/5/20	45 St Dunstans
13/5/20	45 St Dunstans
13/5/20	51 Margravine Gardens
13/5/20	53 Margravine
13/5/20	53 Margravine
13/5/20	59 Margravine
13/5/20	72 Yelham Road
13/5/20	74 St Dunstans Road
13/5/20	95 St Dunstans
13/5/20	95 St Dunstans
13/5/20	97 St Dunstans
14/5/20	7 Margravine
14/5/20	70 Biscay Road
14/5/20	74 St Dunstans
14/5/20	51 Margravine Gardens
17/5/20	59 Clancarty Road
3/6/20	86 Biscay Road
7/6/20	39a Edith Road