

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 07/03/2022

Subject: Railway Arches Supplementary Planning Document

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: David Gawthorpe, Team Leader, Policy and Spatial Planning

Responsible Director: Jonathan Pickstone, Strategic Director for the Economy

SUMMARY

This report seeks approval from Cabinet to adopt the Railway Arches Supplementary Planning Document (SPD). The SPD includes policies that supplement the Council's Local Plan, which in turn sets out the Council's vision to see more people in decent affordable homes; a stronger local economy that provides training and job opportunities for local people; a 'greener' borough; and securing and promoting health facilities for residents. The SPD establishes more detailed guidance on the application of policies that are concerned with managing development proposals for railway Arches in the borough. The SPD is not in conflict with the adopted Local Plan and is in conformity with the London Plan.

RECOMMENDATIONS

1. That Cabinet carefully considers the public consultation responses in appendix 4.
 2. That Cabinet approves the SPD for adoption incorporating amendments following the public consultation.
-

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The SPD seeks to retain viable commercial premises in railway Arches and encourage appropriate alternative uses.
Creating a compassionate Council	The Council will be providing guiding principles for development associated with Railway Arches.
Doing things with local residents, not to	Planning together for growth and well-

them	being.
Being ruthlessly financially efficient	See financial impacts below.
Taking pride in H&F	Giving residents an opportunity to contribute towards the growth of the borough.
Rising to the challenge of the climate and ecological emergency	The Council helping support local residents plan their neighbourhoods.

Financial Impact

The costs of consulting on and adopting the Railway Arches SPD will be met from existing revenue budgets, mainly those relating to staffing and minor printing costs within the Policy and Spatial Planning budget.

Comments and verification by Andrew Lord, Head of Strategic Planning and Monitoring – Corporate, January 2022

Legal Implications

The preparation and adoption of the SPD is governed primarily by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). They require that the SPD be in conformity with the London Plan and not conflict with the adopted development plan. This report confirms that the proposed SPD is not in conflict with the adopted development plan and conforms with the London Plan.

Once adopted, the SPD will supplement other planning documents such as the Local Plan and the London Plan. It does not provide new policy but provides more detailed guidance to the Local Plan policies. It will be a material consideration to which regard will have to be had when considering any planning application.

Poonam Rajput, Senior Planning Licensing Solicitor, 31st January 2022

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The SPD provides guidance for development associated with Railway Arches (see Appendix 1). It contains a brief identification of the overarching policy

context, including national and London wide policy relevant to the development of railway Arches.

2. The SPD is informed by the first ever comprehensive survey of the railway Arches in Hammersmith and Fulham. This includes information on the location of the Arches, the uses taking place, vacancies and the character of the immediate and surrounding area. As such the document provides an important resource for identifying the Arches and understanding their importance to the local economy and the context in which they are situated.
3. The SPD provides guidance for applicants, planners and other stakeholders on the railway Arches in the borough. This includes relevant planning policy considerations and an analysis of the key findings across the borough by area. The SPD covers topics that frequently need to be addressed when considering proposals and applications for development of railway Arches, eg appropriate use, residential amenity, design, access, parking and public realm improvements.
4. The Options available to the Council are as follows:
 - To adopt the Railway Arches SPD incorporating amendments following the public consultation;
 - To withdraw the proposed SPD.
5. The recommendation is Option one above, that the Council adopt the SPD incorporating the amendments following the public consultation. Option two would leave a gap in planning guidance for the borough.

Post adoption requirements

6. After adoption, it will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012 to make the SPD, available for inspection and to publish on the Council's website. The Council must also make an adoption statement available and notify any person who requested to be notified of the publication of the SPD. The adoption statement must be sent to the Secretary of State.
7. The Council were not required to carry out a sustainability appraisal for the SPD (this now only applying to development plan documents) pursuant to the Planning and Compulsory Purchase Act 2004. However, the policies were considered against the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and a draft screening statement was made available.
8. There were no objections to the Council's view that the SPD was not likely to have significant environmental effects. As a consequence, the decision was taken that a Strategic Environmental Assessment (SEA) was not required because, amongst other things, the SPD is a low level planning policy document among the suite of Council planning policy documents; it only supplements adopted policy and does not introduce new policy; and it supplements adopted planning policies that have been subjected to Sustainability Appraisals.

Reasons for Decision

9. To progress the Railway Arches SPD to adoption to ensure that up-to-date guidance is in place to support the adopted Local Plan and to comply with regulatory requirements
10. The adoption of the Railway Arches SPD will provide more detail on the application of the strategic and boroughwide policies in the Local Plan. The SPD will be a material consideration in planning decisions although it will not be part of the development plan.

Equality Implications

11. An Equalities Impact Assessment (EQIA) has been carried out, in relation to the SPD (see appendix 2), and it shows only neutral or positive impacts of the planning guidance on protected groups.
12. The EQIA assists the Council in demonstrating compliance with its public sector equality duty under Section 149 of the Equality Act 2010.

Risk Management Implications

13. The report sets out a clear rationale for adopting the Affordable Workspace Supplementary Planning Document (SPD). The SPD is intended to support, through information, evidence and guidance on local plan policies, the identification and introduction of affordable workspace, particularly for small local businesses, start-ups and not-for-profit sector. This is in line with the council priority of building shared prosperity, by seeking to retain viable commercial premises in Railway Arches and encourage appropriate alternative uses. The report also demonstrates how the council priority of doing things with and not to residents through the consultation process has been addressed.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel: 07817 507 695 – 28 January 2022

Climate and Ecological Emergency Implications

14. The built environment accounts for 79% of the borough's direct emissions, with significant emissions arising from both the construction and operation of new development. Effective planning policy and guidance is therefore essential to ensure new development adheres to the highest possible low-carbon and biodiversity standards.

15. The public consultation and adoption of an SPD for the Arches enables the Council to better assess planning applications for new development within and adjacent to these structures and this will help the built environment contribute to achieving net zero greenhouse gas emissions. By protecting viable employment uses in the Arches there may be indirect benefits, such as reducing the need for small business owners to travel outside of the borough to access affordable premises. Whilst the positive impacts of this SPD on climate change may be minimal, it will contribute towards strengthening the local economy and this in turn maybe a driver for change and investment in green infrastructure.

Implications verified by: Jim Cunningham (Climate Policy & Strategy Lead – 07468 365829) – 31st January 2022

Local Economy and Social Value

16. The Railway Arches are important assets for the borough, providing vital business space to several local SMEs. The Arches are an excellent example of how spaces can be re-purposed in a way that provide direct benefits to the local economy whilst maintaining the borough's buildings of heritage, thereby acting as incubators of sustainable economic growth. By adopting the SPD the Council will secure the future of these spaces for use by local businesses, as well as diversifying the range of business floorspace in the borough such as affordable office space, makers space and retail.

Implications verified/completed by: Sam Ridley, Economic Development Officer, 07766 720080 – 31st January 2022

Section 106

18. Railway Arches are key assets for the borough from an infrastructure, economic and amenity perspective. Securing them in appropriate uses will ensure they are maintained and their contribution to place-making and the local economy is maximised. Further, the SPD will ensure the Council secures appropriate conditions or obligations to mitigate any effects arising from their use, such as increased traffic movements or impacts on neighbouring residential amenity, and that the areas around the Arches are appropriately enhanced through improvements to access and to the adjacent public realm.

Implications verified/completed by: Matthew Paterson, Head of Spatial Planning, Tel: 07776672447 – 31st January 2022

Consultation

19. Public consultation on the draft SPD began on 19th November for 4 weeks and ended on 17th December 2021. The SPD was made available at the borough reference libraries and on the Council's website in accordance with the Council's Statement of Community Involvement. In addition, the Council wrote to specific consultation bodies outlined in the regulations and to general consultation bodies, such as amenity groups, resident associations, businesses and others.

20. The Council received representations from 15 organisations and individuals. A brief summary of the consultation responses is set out below. Full details of the representations and how these have been addressed will be appended to the Cabinet Report.
21. Responses to the consultation were received from a number of key stakeholders including Historic England, Natural England & Transport for London's commercial arm, as well as active resident & amenity groups in the borough including the H&F Disability Forum, Shepherds Bush Market Tenants Association, Ravenscourt Action, St Peter's Residents Association and Friends of Ravenscourt Park.
22. Overall, representations were generally supportive for the SPD and the benefits that the Arches can provide in terms of workspace, employment and accessible routes. Many commented on how the guidance prepared in the SPD would prove beneficial and useful to applicants. However, changes were suggested regarding potential uses of the Arches, residential amenity and detail regarding specific Arches and protection for tenants.
23. A number of comments were received from both developers and resident groups on the key principles. Strong support was received from resident groups to Key Principle AR1 on retention of employment uses and control of retail and café uses in residential areas, whilst TfL commercial requested for this principle to be more flexible and less prescriptive to allow for the Arches to be occupied by a variety of uses and tenants.
24. A large number of representations were submitted relating to the design, access and conservation of Arches, with helpful comments from Natural England, Historic England and amenity groups, including the H&F Disability Forum. These focused on the need to explore opportunities to retrofit green infrastructure in urban environments, the need for alterations and redevelopment of Arches to be sympathetic to their heritage importance, and detailed comments from the H&F Disability Forum on barriers to inclusion, accessible and inclusive design principles for surrounding public spaces and commercial uses. Resident groups also raised the need for the Arches and surrounding areas to be monitored by CCTV and be better lit.
25. A detailed response including suggested changes was received from the Shepherd's Bush Market Tenants Association who felt the SPD was vague in relation to the Shepherd's Bush Market Arches. They requested that the whole of Shepherds Bush Market Area be protected from redevelopment in order to safeguard the traditional function of the market. This particular request would be out of the remit of this SPD. They also raised concern about the poor condition of the Arches at Shepherds Bush Market and that the burden of paying for improvements should not be put on the tenants. The tenants also provided useful background documents on the recent history of the Arches including petitions and legal cases. The tenants also wanted further details regarding the arch survey that took place to support the SPD.
26. Recommendations and wording changes were also suggested by TfL commercial on all sections of the SPD. They queried the prescriptive policy approach which seeks to locate and protect only certain types of uses in the

Arches suggesting that it will limit opportunities for groups of Arches to be successful. They called for more reference to the London Plan to make sure these unique spaces are best utilised by providing a range of low-cost units available for smaller businesses in a range of uses to complement town and local centres. They stated that diversifying the uses of Arches will support the local economy and ensure existing tenants are able to better recover from the impacts of the pandemic in Hammersmith and Fulham and across London. They also suggested that the Council should adopt a separate policy regarding railway Arches in future Local Plans and that this guidance could enable this future approach.

27. A small number of comments were received that focussed on specific Arches and the need to review inaccurate information in the SPD on access points and entrance ways. In addition, there were comments from residents on the need to explore opportunities to open up specific Arches to relieve traffic congestion and make the roads adjacent to Arches more pedestrian and cycle friendly.
28. As a result of the consultation, only minor changes are considered necessary to the SPD prior to adoption.
29. The proposed minor changes to the SPD resulting from the consultation responses are summarised below:

Section of SPD/Topic	How the SPD will be amended	Reason
Accessibility	<p><i>A new bullet point on accessible and inclusive design will be inserted into Key Principle AR1:</i></p> <p><i><u>“ Any new development (including change of use) involving the railway Arches should be accessible and inclusive in terms of design”</u></i></p>	<p><i>In response to the Disability Forum’s comments to the SPD it is agreed that the SPD could be amended to clarify that new development involving the railway Arches should be accessible and inclusive in terms of design.</i></p>
Green Infrastructure	<p><i>Additional text promoting green infrastructure will be inserted into Key Principle AR1:</i></p> <p><i><u>“Encourage and promote thermal energy efficiency measures, heat recovery ventilation, electric heating, and green infrastructure in development proposals for arches, where appropriate.”</u></i></p>	<p><i>In response to Natural England’s comments and our own Climate Change Action Plan, a new bullet point will be added to promote and encourage green infrastructure when Arches are developed in the borough.</i></p>
Town and Local Centres	<p><i>Further clarification on the town centre first principle will be provided in para 3.6.</i></p>	<p><i>In response to TfL, clarification on the town centre first principle in the National Planning Policy framework will be provided. This will help applicants understand the sequential approach to commercial premises out of centre.</i></p>

Planning Permissions	<i>Reference to relevant planning permissions will be inserted where relevant in the arch profiles.</i>	<i>In response to TfL commercial, it is agreed that planning permission references could help provide context to some of the arch areas.</i>
Parsons Green Depot	<i>The section on Parsons Green Depot will be reviewed to remove reference to the depot beyond the existing archway.</i>	<i>In response to TfL commercial it is agreed that the wider Parsons Green Depot area is beyond the remit of the SPD and the SPD text will be amended to only make reference to the one Archway that exists at Parson's Green Depot.</i>
LBHF Arches 2020	<i>Add some additional text to the introduction of the SPD to clarify the content and methodology of the Arches survey.</i>	<i>In response to Shepherds Bush Market Tenants Association more explanation of the Arches Survey 2020 will be included in the introduction of the SPD.</i>
Factual errors and amendments	<p><i>A number of minor factual errors will be rectified in document.</i></p> <p><i>A factual change to correctly state the current Shepherds Bush market managers is also required in para 4.10 as follows:</i></p> <p>WMC Retail Partners Enterprises Ltd <i><u>Tandem Property Management</u></i></p>	<i>The comments from a number of resident groups request factual changes to be remedied. These relate to entrances and alleyways adjacent to the Arches and surrounding areas of Dalling Road, Ravenscourt Road, Ravenscourt Road and Ravenscourt Park. See appendix 3 – Representations schedule for full details</i>

30. Full details of the representations and how these have been addressed are appended to the Cabinet Report (see appendix 3). The minor text changes have been inserted into the SPD (Appendix 1).

LIST OF APPENDICES

Appendix 1 – Railway Arches Supplementary Planning Document
Appendix 2- Equalities Impact Assessment
Appendix 3 – Railway Arches SPD Representations Schedule